

BANKRUPTCY

PRO BONO PROJECT

CHAPTER 7 ATTORNEY MANUAL

INCLUDING PROVISIONS FROM THE BANKRUPTCY ABUSE PREVENTION AND CONSUMER
PROTECTION ACT OF 2005

2006-2007

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Preface

Whether you have been participating actively in the United States Bankruptcy Court Pro Bono Program and/or the Rutgers-Camden Bankruptcy Pro Bono Project, or are just commencing your involvement, you should know that your efforts are very much appreciated. The success of this Project is predicated upon the willingness of attorney volunteers to commit their time, energy and resources to help pro bono clients.

This manual was developed to assist you in understanding the requirements of the Rutgers-Camden Bankruptcy Pro Bono Project and the expected parameters of your representation. It includes a general explanation of the basic operation of the Project, including the notice requirements, fees, malpractice insurance requirements, and training opportunities. The information contained in this pamphlet is intended to supplement any information sent to you from South Jersey Legal Services ("SJLS") or the Rutgers-Camden Bankruptcy Pro Bono Project ("the Project"). Questions regarding clients referred to the Project by SJLS may be directed to Ann M. Gorman, Deputy Director, South Jersey Legal Services, at (856) 964-2010. Questions regarding the Project may be directed to Eve Biskind Klothen, Assistant Dean for Pro Bono and Public Interest Programs, Rutgers University School of Law - Camden, at (856) 225-6608.

This manual and appendix are designed to be used as a reference guide for basic Chapter 7 pro bono case preparation. The materials include general information, definitions and explanations, tables, charts, check lists and sample forms compiled from various resources. Additional training will be provided on an as-needed basis.

This is the ninth revision of this manual, as updated in January 2006. This revision incorporates the provisions of the Bankruptcy Abuse Prevention & Consumer Protection Act of 2005. Questions and/or suggestions regarding the materials included in this manual should be directed to:

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I. General Operations

What is the Rutgers Bankruptcy Pro Bono Project?

The Rutgers Bankruptcy Pro Bono Project first began operations during the fall of 1993. The Project was created in response to concerns raised by Judge Judith H. Wizmur and Judge William Gindin of the United States Bankruptcy Court for the District of New Jersey regarding the availability of adequate representation to indigent and other pro se filers. Since its inception, the Project has interviewed 1,449 clients. Over the last two school semesters alone, the Project has accepted 155 out of 172 prospective clients.

The primary purpose of the Project is to expand the referral services available to South Jersey Legal Services ("SJLS") for bankruptcy cases by establishing a pro bono representation program at the law school staffed by second and third year students and volunteer attorneys. The Project brings together various segments of the legal community, including Legal Services, the law school, the federal bankruptcy court, the local bar associations, volunteer students and attorneys. The Project provides not only an important community service, but also helps to increase the interaction between the law students and the local attorneys thereby expanding the learning experience for the students and providing specialized pro bono opportunities for the attorneys.

Project Administration

The Pro Bono Coordinator at the law school coordinates the scheduling of all aspects of the Project up until the first interview with the prospective client. The Project typically operates for twelve weeks out of each semester.

Client interviews are scheduled on an as needed basis, two clients per night, Monday through Thursday, at 5:00 pm and 6:00 pm. in the Career Services Office at 211 N. Fifth Street in Camden. Clients are scheduled in the order that they call. A waiting list usually develops during the summer months in anticipation of the resumption of operations during the fall. Clients are sent confirmation letters, reminding them of the date and time of their appointments and asking them to call the law school by 10:00 am on the day of their appointment to confirm their appointment.

Who are the clients?

The Project's clients are referred primarily through SJLS, which serves 7 counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem counties, where the applicants are screened for income and asset eligibility. The program also receives referrals from the Camden Center for Law and Social Justice, the Community Health Law Project, the Aids Coalition of Southern New Jersey, and occasionally other agencies. In order to be referred to the Bankruptcy Pro Bono Project, prospective clients must satisfy either the Legal Services income eligibility guidelines or the expanded levels accepted by the Project. The income eligibility level for Legal Services is set at 125% of the Federal Poverty Guidelines. A table illustrating the applicable income levels and a brief discussion of the SJLS guidelines can be found in the Appendix at page 15. The federal poverty guidelines are updated annually by the Department of Health & Human Services. (The 2005 guidelines can be found at 70 Fed.Reg. 8373-02, 2005 WL 377111). Clients seeking bankruptcy assistance and satisfying the SJLS guidelines are sent a letter referring their case to the Project. The prospective clients are then scheduled for an interview with a volunteer team from the law school, comprised of a volunteer attorney, a second year law student and a third year law student. This "team" handles the prospective client's case.

What is the student's role?

Rutgers coordinates scheduling the volunteer attorneys, the prospective clients, and the second and third year student volunteers. The law students are solicited for participation in the program at the beginning of the fall semester. A two day student training session is provided at the beginning of each fall semester with representatives from the local bar associations, practicing Chapter 7 trustees, the United States Trustee's Office and the United States Bankruptcy Court. The classroom training provides the students with a general overview of the bankruptcy process and Chapter 7 proceedings in particular. Students are given the opportunity to observe a mock interview and prepare a practice petition. Follow up seminars are scheduled throughout the semester as needed. All attorney participants in the Project are welcome to attend the training session.

The students are also provided with a Training Manual and Appendix designed specifically for use in the Pro Bono Project. The manual includes general information, definitions and explanations, tables, charts and check lists, copies of the Chapter 7 petition and related schedules, sample forms, commonly asked questions, and an overall walk-through of the Chapter 7 process. It is written primarily with law students in mind, but also includes information useful for the beginning practitioner. Copies of the Training Manual and Appendix are available at the training session and may be obtained from the pro bono coordinator.

Generally, a second year and third year student are paired together with a volunteer attorney to form a team for each interview. Often the third year student will

have been a volunteer in the Project the preceding year, and will then act as the lead for the team. It is recommended that the students meet with the attorney assigned for their night, or with the Supervising Attorney, in person or by telephone prior to the interview to discuss any procedural questions that the students might have. It is expected that the students will conduct the interview and prepare the petition and schedules when required.

The students' participation does not end with the interview and the preparation of the petition and schedules. It continues at least through the section 341(a) First Meeting of Creditors, and commonly for any other court hearings which occur during the fall or spring semesters. Third year students may appear as counsel with the clients at the 341(a) meeting, as supervised by the team's attorney, in conformance with Local Civil Rule 101.1(h) of the United States District Court for the District of New Jersey. It is recognized, however, that class conflicts often prevent the students from attending the 341 meetings.

While the students will be conducting the interview and preparing any necessary paperwork, the volunteer attorney is ultimately responsible as the attorney of record for all cases undertaken by the team. The attorney is also responsible for the administrative processing of the case, although this too can be done by the students with the appropriate supervision.

If the team decides that a bankruptcy petition should be filed, the necessary legal services will be provided by the team on a pro bono basis. These services do not include payment of the petition filing fees. All fees and costs are the responsibility of the client. The various filing fees currently in effect for the United States Bankruptcy Court for the District of New Jersey are included in the Appendix at page 16. The client may also seek to pay the filing fee in installments or request to have his/her filing fees waived under the in forma pauperis provisions included under the new BAPCPA.

II. Attorney Information

What is the attorney's role?

Attorneys who volunteer to participate in the state-wide bankruptcy pro bono program through South Jersey Legal Services are automatically included on the list of attorney volunteers for the Rutgers-Camden Bankruptcy Pro Bono Project, unless you specifically decline to participate in the program.

You will then be contacted by the law school and asked to participate in the Project for one or two nights during both the Fall and Spring

semesters. In August and December of each year, a scheduling form will be forwarded by the law school to each participating attorney for you to indicate your availability for the upcoming semester. You will be called later to confirm your scheduled appointments. By agreeing to participate in the Project, you assume the ultimate responsibility for the cases undertaken through the Project by you, as the attorney of record.

In the event that you later discover that you are unable to attend a scheduled session, you are responsible for finding a substitute attorney. It is recommended that the substituted attorney be a participant in the Project. The pro bono coordinator should be informed of the change as soon as possible.

Please arrive at least 15 minutes prior to your scheduled interview to meet with your designated students prior to the client interviews. It would also be helpful for you to remain after the interviews to discuss the cases with the students. Initial interviews are held in the Career Services Office at 211 N. Fifth Street in Camden. Any future meetings between the clients and you and/or the students may be held at any location or time determined by you.

Mentoring is an integral component of this Project. It is important for you, as the attorney, to let the students know what your expectations are up front, and to explain to them how you expect them to be involved in a particular case. You should set specific objectives for the students to achieve, such as preparing a draft of the petition and schedules, or gathering additional information from the client. You should set deadlines for all work prepared by the students and monitor and review the assignments with the students. It is important to give the students feedback based upon your observations. Be sure to let the students know what remains to be done and when their responsibility is over.

The team (the volunteering attorney and the law students) makes the final determination as to whether or not the Project will represent the client. If the team decides to undertake representation, following the initial interview, the attorney should arrange for follow up meetings with the client to complete the schedules and any other necessary paperwork. Blank forms and computer programs are available to assist the students in preparing the necessary paperwork. The payment of the petition filing fees, as well as any additional costs, are the responsibility of the client. The client may request to pay his/her filing fees in installments. See application form at page 18. He/she may also seek to have their filing fees waived. See application form at page 20.

The attorney is responsible for filing the petition, schedules, statements and any other necessary documents. See Filing Check List at page 73. The United States Bankruptcy Court for District of New Jersey requires mandatory electronic filing. If you are filing a hard copy, the court requires an original plus one copy of a Chapter 7 petition and a creditor matrix. See D.N.J. Local Bankruptcy Rule 5005-2. All attorneys are also encouraged to complete a retention agreement with all Project clients. See sample form in the Appendix at page 25.

Clients should be referred back to Legal Services, or to an appropriate lawyer referral service, if representation is declined, if there is a conflict of interest, or if a determination is made that the client is not eligible for the Project. A list of lawyer referral services and legal services agencies in each county is attached beginning at page 28. Attorneys may not retain a pro bono client on a fee basis and may not make their own referrals to other attorneys.

Training

A training session is offered free of charge to all attorneys who volunteer to participate in the state-wide pro bono program. This session is offered on an as needed basis by the Pro Bono Committee of the Bankruptcy Law Section of the New Jersey State Bar Association. The program includes information on resources available for meeting the special needs of indigent clients, as well as practical assistance in matters such as interviewing, filing petitions, and paying filing fees in installments. Various publications are also available through New Jersey's Institute for Continuing Legal Education on basic bankruptcy representation.

Supervising Attorney

A Supervising Attorney is appointed by the Steering Committee to serve as a legal resource for the Project. The Supervising Attorney is available to provide direct feedback, guidance, and supervision as needed to the students and the attorneys. The Supervising Attorney for the 2006 school year is Edward L. Paul, Esq. He can be reached at elp@edwardlpaulpc.com and at (856) 435-6565. The Consumer Law Project at SJLS also has an experienced bankruptcy staff and is available to offer input, guidance, and direction when needed. Mitchell Moskovitz, Esq. is the senior contact person. He can be reached at Mmoskovitz@lsnj.org and at (856) 848-5360 ext. 831.

Notice of Pro Bono Services

All attorneys who file a petition on behalf of a client referred to the Project, or who enter an appearance in a pending matter on behalf of such a client in the Bankruptcy Court, must file a "Notice of Pro Bono Services" with the Court. If a petition is filed, the notice must be included as the cover sheet. For a copy of the required cover sheet, see page 30. The Rutgers Bankruptcy Pro Bono Project should also be listed in the petition as a party to receive notice.

Cases involving pro bono representation will be afforded a priority on the list of cases to be heard both at the 341(a) meeting and at all hearings before the court. The Trustee or the Court should be advised that counsel is appearing pro bono.

The bankruptcy court has also agreed to make certain allowances regarding the

proper vicinage for pro bono filing. The correct vicinage for filing purposes is outlined in D.N.J. LBR 1073-1. See page 31. As a result of the vicinage boundary changes with respect to Burlington County, the Court has agreed to allow certain pro bono cases to be filed in Camden that would ordinarily be filed in Trenton, where the attorney makes that request by submitting the application and order provided here on pages 32 and 33.

Attorney's Fees

Attorneys may not charge a fee in connection with their representation of the clients referred through the Project. The attorney is free, however, to decline to represent any client referred through the Project.

If the attorney determines that the client should file a Chapter 13 petition, the attorney may either continue representation pro bono and prepare the debtor's petition through the Project, or determine not to represent the client. If the attorney concludes that the client is able to pay a fee through his/her plan and that the case is not appropriate for pro bono representation, the client should be referred back to legal services or to the appropriate lawyer referral service. The attorney may not retain the client for a fee or refer the client directly to another attorney.

Preparing the client's bankruptcy petition does not obligate the attorney to represent the client in any adversary proceedings. In the event that an attorney does represent a client in an adversary proceeding as part of this Project, the attorney may not receive a fee for this service.

Fees obtained by motion pursuant to 11 U.S.C. § 362(h) or § 523(d) are permitted to be retained by counsel.

Malpractice Coverage

Please remember that it is the responsibility of each individual volunteer attorney to provide for his/her own malpractice insurance. There is no liability coverage afforded for any of the pro bono services rendered in connection with the Project.

III. BAPCPA

The Bankruptcy Abuse Prevention & Consumer Protection Act of 2005 ("BAPCPA") made several important changes to the Chapter 7 process. These changes affect: prepetition credit counseling, debtor identification, forms and documents required to be provided by the debtor, means testing, filing fees, new schedules and certificates, the automatic stay, exemptions, priorities, discharge, reaffirmations and redemptions, as well as other provisions. These amendments are highlighted below:

Credit Counseling

Prior to filing a petition under the Bankruptcy Code, debtors are now required to complete a credit counseling session with an approved nonprofit budget and credit counseling agency. 11 U.S.C. § 109(h). The expected cost of this service is \$50.00 or less, and it must be provided "without regard to ability to pay the fee." § 111(c)(2). It is expected that most of the Project's clients will not be required to pay a fee for the credit counseling service. The counseling session must occur within the 180 days preceding the date of the filing of the petition, and lasts on average 90 minutes. It may be conducted by telephone or on the internet, as specifically approved by the United States Trustee's office for that counseling agency. Certain exigent circumstances may constitute a waiver of this requirement as approved by the bankruptcy court. To obtain a waiver from the credit counseling requirement, the debtor must submit a certification to the court that: "(1) describes exigent circumstances meriting a waiver of this requirement; (2) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain such services within the five-day period beginning on the date the debtor made the request; and (3) is satisfactory with the court." HR Rep. No. 21, 109th Cong., 1st Sess. (2005). The waiver expires after the debtor meets the requirements to obtain such counseling or 30 days after the date of the bankruptcy filing, whichever occurs sooner. The court for cause may extend the time period an additional 15 days. See the Appendix at page 70 for a sample Order re: Certification of Exigent Circumstances.

For a list of approved credit counselors as of January 17, 2006, see page 34, or check the list posted on the United States Trustee's website at: www.usdoj.gov/ust/bapcpa/ccde/cc_approved.htm. Upon completion of the counseling requirement, the debtor must then include with his/her schedules a certificate of having received such counseling. 11 U.S.C. § 521(b).

I.D. and Documents

To prepare for the initial interview under the new guidelines, the client will need to compile certain identification, information, and other documents. The Project will send the client a letter detailing the documents

to bring to the client interview. See sample letter at page 36. The client should bring the following information to the initial meeting with the team:

- ☐ a picture ID, evidence of social security number (or written statement that one doesn't exist) 11 U.S.C. § 521(h);
- ☐ a copy of the credit counseling certificate (if completed prior to interview, if not must be obtained prior to filing) 11 U.S.C. § 521(b);
- ☐ copies of most recent tax returns (2 yrs preferred) 11 U.S.C. § 521(e);
- ☐ record of any interest in an education IRA, 11 U.S.C. § 521(c);
- ☐ copy of at least one credit report (helpful but not mandatory);
- ☐ the source and amount of the debtor's income, including copies of all pay stubs for the past 60 days;
- ☐ copies of all banking statements (checking, savings, money market, etc.);
- ☐ a list of all of the debtor's property, real and personal (bring copies of mortgages, deeds or leases),
- ☐ an itemized list of the debtor's monthly living expenses, including: mortgage or rental payments, food, clothing, utilities, insurances, taxes, transportation, and recreation, etc.
- ☐ a list of all outstanding debts, whether delinquent or not, including the names and addresses of the creditors.

Under the new BAPCPA, the debtor must also file a certificate that he/she received from his/her attorney the notice required by 11 U.S.C. § 342(b) (see AO Procedural Form B 201 at page 38); a copy of all pay stubs for the preceding 60 days; an itemized statement of net monthly income, and a statement of any reasonably anticipated increases in income or expenses expected for the upcoming year. 11 U.S.C. § 521. If the debtor fails to file all required schedules within 45 days of the filing of the petition, his/her case will be dismissed. If the debtor does not timely file the statement of intention as to leased property or as to secured personal property, the automatic stay will terminate as to that property. § 362(h). The debtor no longer has the option of retaining the property and continuing to make the regular scheduled payments without choosing to reaffirm or redeem. § 521(a)(6).

Means Testing

The means test was added by BAPCPA as a method of determining whether or not an individual is entitled to relief under Chapter 7, based upon their ability to pay their creditors through bankruptcy. Debtors are required to complete Official Bankruptcy Form B22A for means testing purposes. See Appendix at page 40. A presumption of abuse is created if the debtor's current monthly income, minus certain deductions, times 60 (based on a 5 year Chapter 13 plan) is greater than the lesser of either \$10,000 or 25% of the debtor's nonpriority unsecured creditors (or \$6,000 if greater than the 25%). 11 U.S.C. § 707(b)(2). Current monthly income is defined as the 6 month average of income from all

sources, taxable or not, and including both spouses if it is a joint case. 11 U.S.C. § 101(10A). Median income information is provided by the census bureau. Current (2004) standards for New Jersey are \$52,493 for one earner, \$58,547 for 2 people, \$75,470 for 3 people, \$88,401 for 4 people and an additional \$6,300 for each person after 4. See www.usdoj.gov/ust/eo/bapcpa/bci_data/median_income_table.htm. If the debtor's current monthly income is less than the applicable median family income, the debtor need not calculate deductions and the presumption of abuse in filing a Chapter 7 petition does not arise.

If the debtor is subject to the means test after looking at his/her monthly income, the Code provides for certain approved deductions. The IRS standards may be found at www.irs.gov. See page 46. The National and Local Standards for expenses may be found at: www.usdoj.gov/ust/eo/bapcpa/meanstesting.htm. Local standards by state and county are provided for housing and utilities (see page 50) and transportation expenses (see page 51). For further discussion on means testing, see the Appendix at page 53 and the Flow chart at page 55. The software available for the students to use at the Law School will handle the Means Test calculations.

It is expected that for the greater majority of clients handled through the Project, the means test will not be an obstacle to filing for relief under Chapter 7.

Filing Fees

Filing fees have changed. The debtor must now pay a \$274 filing fee to file a Chapter 7 case. This fee includes a \$220 filing fee, a \$39 general noticing fee, and a \$15 Chapter 7 trustee's fee. The debtor may seek the court's permission to pay the fee in installments. 28 U.S.C. § 1930(a); Fed.R.Bankr.P. 1006(b). See Official Form B3A at page 18. The court may extend the time of any installment for cause, provided that the last installment is paid not later than 180 days after the filing of the petition. FED.R.BANKR.P. 1006(b). The debtor may also now seek to have the filing fee waived. To do so, the debtor must file an application with the court. See Official Form B3B at page 20. The judge may waive the fee if the debtor's income is less than 150% of the federal poverty guideline for the family size and the debtor is unable to pay in installments. See table at page 15.

Automatic Stay

Under the BAPCPA amendments, the automatic stay does not prohibit a judgment of divorce from being entered, except to the extent that property that is property of the estate is being distributed to a non-debtor party. It also does not affect the collection of a domestic support obligation from property that is not property of the estate, or the continuation of a proceeding involving domestic violence. 11 U.S.C. § 362(b)(2).

If the debtor has had another bankruptcy case pending within one year of the current petition, the stay will automatically terminate in 30 days. The debtor can file

a motion to extend that time period, although there is a rebuttable presumption that the debtor filed the second petition in bad faith. The debtor must show by clear and convincing evidence that the filing was in good faith. 11 U.S.C. § 362(c)(3). If the debtor has had two filings within one year of the current petition, the filing of the current petition will not trigger the imposition of the automatic stay. A creditor may seek the entry of a “comfort order” to that effect. 11 U.S.C. § 362(j). The debtor may also file a motion to impose the stay. 11 U.S.C. § 362(c)(4).

Where the creditor is granted in rem relief from the automatic stay under § 362(d)(4), where the court finds that the filing was part of a scheme to defraud or delay creditors that involved a transfer of property or where the debtor has had multiple bankruptcy filings, the automatic stay will not go into effect in any subsequent case filed within 2 years of that order, except that the debtor may seek to impose a stay based on changed circumstances. § 362(b)(20).

The stay will also not prevent the continuation of an eviction where the residential lessor holds a prebankruptcy judgment for possession. 11 U.S.C. § 362(b)(22). This eviction exception will be delayed for 30 days, to allow the debtor time to file a certification that he/she can cure the default and to make a deposit with the court of any monies due during that time period. 11 U.S.C. § 362(l).

The debtor may also be evicted where the eviction is based on an endangerment of the property or the illegal use of controlled substances on the property. § 362(b)(23). If the debtor objects to the eviction, section 362(m) requires the debtor to respond within 15 days of the landlord's certification. A hearing must be held within 10 days of the debtor's objection and the burden is on the debtor to show that the conditions have been remedied. The stay will also terminate as to personal property where the debtor fails to timely file a statement of intention or to take timely action specified in that statement. 11 U.S.C. § 362(h).

In certain instances, the automatic stay will not prevent the debtor's driver's license from being withheld or suspended and/or his/her tax refund from being withheld. In addition, the government may use setoff of an income tax refund for a taxable period ending before the order for relief against a tax liability for a taxable period also ending prepetition. 11 U.S.C. § 362(b)(26).



Exemptions

BAPCPA added an additional requirement that the debtor be domiciled in the state for at least the 730 days prior to the date of filing prior to using the state's exemption laws. 11 U.S.C. § 522(b)(3). If the debtor cannot satisfy the 730 day period, the Code looks next to the place that the debtor resided for 180 days immediately preceding the 730 day period. If the debtor is ineligible for any state exemptions as a result of the domicile rules, he/she can elect to use the federal exemptions.

Household goods is now defined under BAPCPA to include clothing, furniture,

appliances, one radio, one television, one VCR, one personal computer, linens, china, crockery, kitchenware, etc. See 11 U.S.C. § 522(f)(4).

IRAs are now exempt up to \$1,000,000 under section 522(n). State homestead exemptions are also now capped under BAPCPA at \$125,000. 11 U.S.C. § 522(p).

First Meeting of Creditors

Under BAPCPA, creditors may now appear and participate at the 341 First Meeting of Creditors with or without counsel. 11 U.S.C. § 341(c).

Under BAPCPA, section 521 requires all debtors to file copies of the last 60 days of payment advices/pay stubs with the court. Pursuant to General Order, entered October 6, 2005, the debtor shall present those payment advices to the trustee at the 341 First Meeting of Creditors rather than file them with the bankruptcy court. See General Order at page 56. The debtor must now also provide the trustee with a copy of his/her most recent year's tax return no later than 7 days prior to the 341(a) meeting. 11 U.S.C. § 521(e)(2)(A). A copy must also be provided to any creditors who request it.

Domestic Support Obligations

If the debtor owes a domestic support obligation, BAPCPA now requires the Chapter 7 trustee to provide notice to the creditor and an explanation of the creditor's rights. 11 U.S.C. § 704(a)(10), (c). The trustee must also provide notice of the debtor's current address and employer, the debtor's discharge, any reaffirmations, and any debts excepted from discharge under § 523(a)(2), (a)(4) or (a)(14A).

BAPCPA has also amended section 507 to place allowed unsecured claims for domestic support obligations in the first priority position, ahead of administrative expenses, as well as section 522(f) to protect any judicial lien securing a domestic support obligation from avoidance.

Discharge and Exceptions to Discharge

Section 727 regarding the Chapter 7 discharge was amended to change from six years to eight years the time since the debtor last received a Chapter 7 discharge. 11 U.S.C. § 727(a)(8). Under BAPCPA, the debtor may also be denied a discharge if he/she fails to complete a post petition personal financial management course as now required by the Code. See 11 U.S.C. § 111, 727(a)(11).

Section 523 was amended to reflect that consumer debts in an amount greater than \$500 for luxury goods or services incurred within 90 days, as well as cash advances

aggregating more than \$750 obtained with 70 days of the order for relief are now presumed to be nondischargeable. 11 U.S.C. § 523(a)(2)(C).

Section 523(a)(5) has been simplified to reflect that “domestic support obligations” are nondischargeable. Domestic support obligations are defined in section 101(14A) to include debts that accrue before, on or after the order for relief, including interest, owed to a spouse, former spouse or child of the debtor or a governmental unit for alimony, maintenance or support without regard for whether such debt is expressly so designated. Section 523(a)(15) has been amended to protect from discharge other debts owed to a spouse, former spouse or child of the debtor, not included in section 523(a)(5), incurred in the course of a divorce or separation agreement.

Utility Service

notice or order of the court.

The utility company may refuse or discontinue utility service if during the 30 days after the filing of the petition, the utility does not receive adequate assurance of payment. “Assurance of payment” is now defined under the Code to mean a cash deposit, a letter of credit, a certificate of deposit, a surety bond, prepayment or other mutually agreed upon form of security. 11 U.S.C. § 366(c). The utility may also recover or setoff against a security deposit without

Debtor Education

expenses); money management (such as keeping adequate financial records; comparison shopping; maintaining appropriate insurance and saving for emergencies); use of credit (such as the different types and costs of credit and loans; debt warning signs and checking credit ratings), and on various sources of consumer information (such as public and nonprofit resources for assistance and applicable consumer protection laws and regulations). The debtor will not be granted a discharge until he/she completes such a course. 11 U.S.C. § 727(a)(11).

Under BAPCPA, the debtor is now required to complete a post petition personal financial management course. 11 U.S.C. § 111. The UST's office must approve the agency used to provide the financial training. For a list of approved agencies, see page 58, and as updated at www.usdoj.gov/ust/eo/bapcpa/ccde/de_approved.htm#NJ. The course will provide information on budget development (such as setting short and long term financial goals; calculating gross and net monthly income and identifying

Reaffirmations and Redemptions

Under BAPCPA, if the debtor does not reaffirm personalty included in the statement of intention within 30 days after the date of the first meeting of creditors, the automatic stay as to that property will terminate. 11 U.S.C. § 362(h). A sample reaffirmation form is included

in the Appendix at page 60.

Section 521 now requires that the debtor comply with his/her statement of intention within 30 days of the first date set for the 341 meeting of creditors. 11 U.S.C. § 521(a)(2). The so-called “fourth option” of retaining property and continuing payment outside of bankruptcy without declaring a formal intention is no longer available.

IV. EVALUATION

Following each client interview, each attorney is requested to complete an evaluation form, see page 74. The forms should be returned to Colleen McNally, Pro Bono Coordinator at Rutgers, at the following address: 211 N. Fifth Street, Camden, New Jersey 08102.

BANKRUPTCY

PRO BONO PROJECT

APPENDIX

CHAPTER 7 ATTORNEY MANUAL

SJLS Guidelines/Poverty Levels

To understand the types of clients that will commonly be referred to the Project, it is helpful to understand the eligibility criteria utilized by Legal Services in determining the client's qualifications for pro bono legal assistance, since Legal Services provides the screening service for the Project.

Legal Services is prohibited from representing individuals whose family income exceeds the values indicated on the table below. For referral purposes, the Rutgers Bankruptcy Pro Bono Project accepts up to 175% of the national poverty level.

TABLE OF MAXIMUM INCOME LEVELS

Family Size	Max Gross Weekly Income	Max Gross Monthly Income	Max Gross Annual Income 125%	2005 Poverty Guideline	150% of Guideline to Waive Filing Fees	175% Increased Limit for Project
1	\$230.05	\$996.88	\$11,962.50	\$9,570.00	\$14,355.00	\$16,747.50
2	308.42	1,336.46	16,037.50	12,830.00	19,245.00	22,452.50
3	386.78	1,676.04	20,112.50	16,090.00	24,135.00	28,157.50
4	465.14	2,015.63	24,187.50	19,350.00	29,025.00	33,862.50
5	543.51	2,355.20	28,262.50	22,610.00	33,915.00	39,567.50
6	621.88	2,694.79	32,337.50	25,870.00	38,805.00	45,275.50
7	700.24	3,034.38	36,412.50	29,130.00	43,695.00	50,977.50
8	778.61	3,373.96	40,487.50	32,390.00	48,585.00	56,682.50
9	856.97	3,713.54	44,562.50	35,650.00	53,475.00	62,387.50
10	935.34	4,053.13	48,637.50	38,910.00	58,365.00	68,092.50

Legal Services may consider the existence of one or more other factors in justifying a waiver of the maximum income limitations. These factors include: (1) the applicant's current income prospects, taking into account seasonal variations in income; (2) medical expenses; (3) commitment of the applicant's gross income primarily to medical/nursing income expenses; (4) fixed debts and obligations, including unpaid state, federal and local taxes, and court-ordered alimony or child support actually being paid; (5) child care, transportation and other expenses necessary for employment; (6) expenses associated with age or physical infirmity of resident family members; and (7) other significant factors related to financial liability

to afford legal assistance, in the discretion of the Program Administrator.

In determining the eligibility of an applicant whose income does not exceed the MIL, the following factors are also taken into consideration:

1. If the applicant's current income prospects, taking into account seasonal variations in income, are likely to exceed the MIL, the applicant may be determined ineligible in the discretion of the Director.
2. Where private representation is available at a low cost with respect to the particular matter in which assistance is sought, the applicant may be determined ineligible in the discretion of the Director.
3. Where the consequences for the individual are insignificant if legal assistance is denied, the applicant may be determined ineligible in the discretion of the Director.
4. Where there are assets in existence which are available to the applicant and they are in excess of the asset ceiling set in Section VII, the application shall be denied.
5. Where there is a determination either by admission or by a prior administrative or judicial decision that the applicant refuses or is unwilling, without good cause, to seek or accept suitable employment, the application for services will be denied.

Legal Services also evaluates the client's eligibility in terms of certain "asset ceilings". If the family unit's total includeable assets exceed said limits then the applicant's request for assistance will be denied, subject to certain waiver provisions. The asset ceilings, as established by the Board of Directors of Legal Services take into consideration the economy of the particular county and the cost of living for low-income persons so as to ensure the availability of Legal Services' limited resources and services to those in the greatest need.

The maximum allowable equity value of liquid assets, as defined by SJLS, which an applicant and/or any resident member of the family unit may own shall not exceed:

- Seniors - \$12,000 maximum for senior household;
- Others - \$10,000 maximum for family unit.

The Director is vested with the authority to waive the ceilings on allowable assets in unusual or extremely meritorious situations.

If a client who had been determined to be eligible subsequently becomes ineligible because of increased income and/or receipt or availability of assets or liquidation of formerly non-liquid assets and the reason for the ineligibility is sufficiently likely to continue, then the client will be notified that he/she no longer qualifies for the SJLS services and the reason for the disqualification, if it will not act to prejudice the client's case and is not inconsistent with an attorney's professional responsibilities. The notification will give the client a reasonable time to retain private counsel.



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
 SCHEDULE OF FILING FEES

ITEM	FEE
CHAPTER 7 PETITION	\$ 274.00
CHAPTER 13 PETITION	\$ 189.00
CHAPTER 11 PETITION	\$ 1,039.00
CHAPTER 9 PETITION	\$ 1,039.00
CHAPTER 12 PETITION	\$ 239.00
CHAPTER 15 PETITION	\$ 1,039.00
AMENDMENTS TO DEBTOR'S SCHEDULE OF CREDITORS (AFTER NOTICE TO CREDITORS)	\$ 26.00
FILING A MOTION TO TERMINATE, ANNUL, OR MODIFY STAY, TO WITHDRAW THE REFERENCE, OR TO COMPEL ABANDONMENT OF PROPERTY OF THE ESTATE	\$ 150.00
CONVERSION OF CHAPTER	CHAPTER 7 TO 11 CHAPTER 13 TO 11 CHAPTER 7 OR 11 TO 13
	\$ 780.00 \$ 850.00 NO FEE
NOTICE OF CONVERSION TO CHAPTER 7 UNDER 11 USC §§ 1208(a) OR 1307(a). MOTION TO CONVERT TO CHAPTER 7 (INCLUDING COMBINED WITH OTHER RELIEF) .	\$ 15.00
FILING OF COMPLAINT COMMENCING ADVERSARY PROCEEDING. (If United States or debtor is plaintiff, no fee is required. If case trustee or debtor-in-possession is plaintiff, fee is payable only from estate and to extend there is any estate realized.)	\$ 250.00
FILING A MOTION TO REOPEN	CHAPTER 7 CHAPTER 13 CHAPTER 9 OR 11 CHAPTER 12
	\$ 220.00 \$ 150.00 \$ 1,000.00 \$ 200.00
FILING AND DOCKETING NOTICE OF APPEAL OR CROSS APPEAL	\$ 250.00
FILING MOTION FOR LEAVE TO APPEAL (IF LEAVE IS GRANTED, \$200 DOCKETING FEE DUE)	\$ 5.00
RETRIEVAL OF RECORD FROM FEDERAL RECORDS CENTER OR OTHER STORAGE LOCATION	\$ 45.00
REPRODUCING ANY RECORD OR PAPER (PER PAGE)	\$ 0.50
CERTIFICATION OF ANY RECORD OR DOCUMENT	\$ 9.00
EXEMPLIFICATION OF ANY RECORD OR DOCUMENT	\$ 18.00
REPRODUCTION OF PROCEEDINGS	\$ 26.00
SEARCH OF RECORDS (PER NAME)	\$ 26.00
REGISTERING A JUDGMENT FROM ANOTHER DISTRICT	\$ 39.00
CHECK RETURNED FOR LACK OF FUNDS	\$ 45.00
PACER (PER PAGE VIEWED OR PRINTED)	\$ 0.07
DIVISION OF JOINT CASE (HUSBAND/WIFE) FILED UNDER 11 U.S.C. SECTION 302 AT REQUEST OF DEBTORS - ONE-HALF OF CURRENT FILING FEE FOR CHAPTER UNDER WHICH JOINT CASE WAS COMMENCED.	½CURRENT

United States Bankruptcy Court

_____ District Of _____

In re _____,

Case No. _____

Debtor

Chapter _____

APPLICATION TO PAY FILING FEE IN INSTALLMENTS

1. In accordance with Fed. R. Bankr. P. 1006, I apply for permission to pay the filing fee amounting to \$_____ in installments.

2. I am unable to pay the filing fee except in installments.

3. Until the filing fee is paid in full, I will not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

4. I propose the following terms for the payment of the Filing Fee.*

\$_____ Check one ☐ With the filing of the petition, or
☐ On or before _____

\$_____ on or before _____

\$_____ on or before _____

\$_____ on or before _____

* The number of installments proposed shall not exceed four (4), and the final installment shall be payable not later than 120 days after filing the petition. For cause shown, the court may extend the time of any installment, provided the last installment is paid not later than 180 days after filing the petition. Fed. R. Bankr. P. 1006(b)(2).

5. I understand that if I fail to pay any installment when due, my bankruptcy case may be dismissed and I may not receive a discharge of my debts.

Signature of Attorney

Date

Signature of Debtor
(In a joint case, both spouses must sign.)

Date

Name of Attorney

Signature of Joint Debtor (if any) Date

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required under that section; and (4) I will not accept any additional money or other property from the debtor before the filing fee is paid in full.

Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer

Social Security No. (Required by 11 U.S.C. § 110.)

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs the document.

Address

x _____
Signature of Bankruptcy Petition Preparer

Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person. A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor

Case No. _____
Chapter _____

ORDER APPROVING PAYMENT OF FILING FEE IN INSTALLMENTS

☐ IT IS ORDERED that the debtor(s) may pay the filing fee in installments on the terms proposed in the foregoing application.

☐ IT IS ORDERED that the debtor(s) shall pay the filing fee according to the following terms:

\$ _____ Check one ☐ With the filing of the petition, or
☐ On or before _____

\$ _____ on or before _____

\$ _____ on or before _____

\$ _____ on or before _____

☐ IT IS FURTHER ORDERED that until the filing fee is paid in full the debtor(s) shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

BY THE COURT

Date: _____

United States Bankruptcy Judge

**APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE
FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE
IN FULL OR IN INSTALLMENTS**

The court fee for filing a case under chapter 7 of the Bankruptcy Code is \$274.

If you cannot afford to pay the full fee at the time of filing, you may apply to pay the fee in installments. A form, which is available from the bankruptcy clerk's office, must be completed to make that application. If your application to pay in installments is approved, you will be permitted to file your petition, completing payment of the fee over the course of four to six months.

If you cannot afford to pay the fee either in full at the time of filing or in installments, then you may request a waiver of the filing fee by completing this application and filing it with the Clerk of Court. A judge will decide whether you have to pay the fee. By law, the judge may waive the fee only if your income is less than 150 percent of the official poverty line applicable to your family size and you are unable to pay the fee in installments. You may obtain information about the poverty guidelines at www.uscourts.gov or in the bankruptcy clerk's office.

Required information. Complete all items in the application, and attach requested schedules. Then sign the application on the last page. If you and your spouse are filing a joint bankruptcy petition, you both must provide information as requested and sign the application.

In re: _____
Debtor(s)

Case No. _____
(if known)

**APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE
FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE IN FULL OR IN INSTALLMENTS**

Part A. Family Size and Income

1. Including yourself, your spouse, and dependents you have listed or will list on Schedule I (Current Income of Individual Debtors(s)), how many people are in your family? (Do not include your spouse if you are separated AND are not filing a joint petition.) _____

2. Restate the following information that you provided, or will provide, on Line 16 of Schedule I. Attach a completed copy of Schedule I, if it is available.

Total Combined Monthly Income (Line 16 of Schedule I): \$ _____

3. State the monthly net income, if any, of dependents included in Question 1 above. Do not include any income already reported in Item 2. If none, enter \$0.

\$ _____

4. Add the "Total Combined Monthly Income" reported in Question 2 to your dependents' monthly net income from Question 3.

\$ _____

5. Do you expect the amount in Question 4 to increase or decrease by more than 10% during the next 6 months? Yes ____ No ____

If yes, explain.

Part B: Monthly Expenses

6. EITHER (a) attach a completed copy of Schedule J (Schedule of Monthly Expenses), and state your total monthly expenses reported on Line 18 of that Schedule, OR (b) if you have not yet completed Schedule J, provide an estimate of your total monthly expenses.

\$ _____

7. Do you expect the amount in Question 6 to increase or decrease by more than 10% during the next 6 months? Yes ____ No ____

If yes, explain.

Part C. Real and Personal Property

EITHER (1) attach completed copies of Schedules A (Real Property) and Schedule B (Personal Property), OR (2) if you have not yet completed those schedules, answer the following questions.

8. State the amount of cash you have on hand: \$ _____

9. State below any money you have in savings, checking, or other accounts in a bank or other financial institution.

Bank or Other Financial Institution:	Type of Account such as savings, checking, CD:	Amount:
_____	_____	\$ _____
_____	_____	\$ _____

10. State below the assets owned by you. **Do not list ordinary household furnishings and clothing.**

Home	Address: _____ _____	Value: \$ _____ Amount owed on mortgages and liens: \$ _____
Other real estate	Address: _____ _____	Value: \$ _____ Amount owed on mortgages and liens: \$ _____
Motor vehicle	Model/Year: _____ _____	Value: \$ _____ Amount owed: \$ _____
Motor vehicle	Model/Year: _____ _____	Value: \$ _____ Amount owed: \$ _____
Other	Description _____ _____	Value: \$ _____ Amount owed: \$ _____

11. State below any person, business, organization, or governmental unit that owes you money and the amount that is owed.

Name of Person, Business, or Organization that Owes You Money	Amount Owed
_____	\$ _____
_____	\$ _____

Part D. Additional Information.

12. Have you paid an **attorney** any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
If yes, how much have you paid? \$ _____

13. Have you promised to pay or do you anticipate paying an **attorney** in connection with your bankruptcy case? Yes ___ No ___
If yes, how much have you promised to pay or do you anticipate paying? \$ _____

14. Have you paid **anyone other than an attorney** (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
If yes, how much have you paid? \$ _____

15. Have you promised to pay or do you anticipate paying **anyone other than an attorney** (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
If yes, how much have you promised to pay or do you anticipate paying? \$ _____

16. Has anyone paid an attorney or other person or service in connection with this case, on your behalf? Yes ___ No ___
If yes, explain.

17. Have you previously filed for bankruptcy relief during the past eight years? Yes ___ No ___

Case Number (if known)	Year filed	Location of filing	Did you obtain a discharge? (if known)
_____	_____	_____	Yes ___ No ___ Don't know ___
_____	_____	_____	Yes ___ No ___ Don't know ___

18. Please provide any other information that helps to explain why you are unable to pay the filing fee in installments.

19. I (we) declare under penalty of perjury that I (we) cannot currently afford to pay the filing fee in full or in installments and that the foregoing information is true and correct.

Executed on:	_____	_____
	Date	Signature of Debtor
	_____	_____
	Date	Signature of Co-debtor

DECLARATION AND SIGNATURE OF BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required under that section.

Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer	_____
	Social Security No. (Required by 11 U.S.C. §110.)

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs the document.

Address

x _____	_____
Signature of Bankruptcy Petition Preparer	Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

United State Bankruptcy Court
_____ District of _____

In re: _____
Debtor(s)

Case No. _____

ORDER ON DEBTOR'S APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE

Upon consideration of the debtor's "Application for Waiver of the Chapter 7 Filing Fee," the court orders that the application be:

☐ GRANTED.

This order is subject to being vacated at a later time if developments in the administration of the bankruptcy case demonstrate that the waiver was unwarranted.

☐ DENIED.

The debtor shall pay the chapter 7 filing fee according to the following terms:

\$ _____ on or before _____

\$ _____ on or before _____

\$ _____ on or before _____

\$ _____ on or before _____

Until the filing fee is paid in full, the debtor shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

IF THE DEBTOR FAILS TO TIMELY PAY THE FILING FEE IN FULL OR TO TIMELY MAKE INSTALLMENT PAYMENTS, THE COURT MAY DISMISS THE DEBTOR'S CHAPTER 7 CASE.

☐ SCHEDULED FOR HEARING.

A hearing to consider the debtor's "Application for Waiver of the Chapter 7 Filing Fee" shall be held on _____ at _____ am/pm at _____.
(address of courthouse)

IF THE DEBTOR FAILS TO APPEAR AT THE SCHEDULED HEARING, THE COURT MAY DEEM SUCH FAILURE TO BE THE DEBTOR'S CONSENT TO THE ENTRY OF AN ORDER DENYING THE FEE WAIVER APPLICATION BY DEFAULT.

BY THE COURT:

DATE: _____

United States Bankruptcy Judge

Date

Attorney's Name

Firm Address

RE: Bankruptcy Pro Bono Project
Retainer Agreement

Dear (Client):

It was a pleasure meeting with you on _____ (Date) at the Rutgers Bankruptcy Pro Bono Project in Camden. The students and I appreciated the opportunity to work with you to help resolve your financial difficulties. As we have previously discussed with you, we think that filing a petition for bankruptcy relief under Chapter 7 of the Bankruptcy Code is the best solution to address your situation.

The recent Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 requires attorneys to make certain disclosures and to specify what duties they will perform. This letter is intended to conform with that law and to serve as a retainer or engagement agreement between us. By signing this letter, we have agreed to represent you in your bankruptcy case, as spelled out below. When you sign this letter and return it to us, it will serve as a contract between us. This agreement does not require you to pay us for the legal services to be provided by us, as listed below. As you know, representation obtained through the Project is rendered free of charge.

Please read this agreement carefully and be sure that you understand it. If you have any questions, please feel free to contact us prior to signing and returning the letter.

Pursuant to this agreement, we agree to:

1. Meet with you as necessary to discuss your financial situation and how bankruptcy may help you;
2. Provide you with the notice required by 11 U.S.C. § 342(b) which outlines the purpose, benefits and costs of filing under the various

chapters of the Bankruptcy Code;

3. Provide you with the names and contact information of the various credit counseling agencies that are available to you. (Please note that the law requires that you attend, in person, by telephone or over the internet, a counseling session presented by an approved agency prior to filing for bankruptcy);
4. Explain to you the penalties for committing certain bankruptcy crimes;
5. Prepare for your review the required bankruptcy petition, schedules, statement of financial affairs, statement of intention and any other documents (including applications to pay the filing fee in installments or to proceed in forma pauperis, as necessary) required to file your bankruptcy case;
6. File the necessary petition and schedules. (The filing fee, to the extent that it is required, is your responsibility and is not covered by the Project);
7. Prepare you for and attend with you the 341 First Meeting of Creditors;
8. Prepare and file any additional documents required by the Chapter 7 trustee following the 341 Meeting of Creditors;
9. Assist you in the negotiation and completion of any reaffirmation agreements that are in conformance with the law and in your best interest, and to
10. Keep you informed of any important developments in your case.

Pursuant to this agreement, you agree to:

1. Promptly respond to any letters or calls for us and to keep any appointments with us or to call in advance to cancel such an appointment;
2. Inform us of any change in your address or telephone number;
3. Provide us with all of the necessary information to complete your petition, schedules, statements and other related documents, including

the disclosure of any change in your income or assets;

4. Attend, in person, by telephone or over the internet, a credit counseling session presented by an approved agency and provide us with a copy of the certificate of completion of such a course prior to filing for bankruptcy;
5. Appear at any hearings or court appearances as required, and
6. Pay any required filing fees which are not waived.

This agreement may be terminated at any time by you, subject to court approval (where required). We may stop representing you, subject to court approval, if required, if it is determined that further representation would be useless, unreasonable or would not help you to achieve your objectives, you are no longer financially eligible for pro bono services or you have failed to cooperate with us.

It is understood that any information disclosed to us regarding your case will be kept confidential. However, you recognize that we may discuss your case with Rutgers University School of Law - Camden law students who are assisting in the preparation of your case, and other people to the extent it is necessary to represent you in this case.

This document represents the complete agreement between the parties. It shall be void if it is not executed and returned by you within fourteen (14) days from receipt.

Sincerely,

Signature of Attorney

Date

Agreed to by,

Signature of Client(s)

Date

RESOURCES FOR LEGAL ASSISTANCE

CAMDEN VICINAGE

The following list of legal resources is provided to assist you in finding legal representation:

I. IF YOU BELIEVE YOU CANNOT AFFORD AN ATTORNEY, you may call the following agencies in your geographical location. Many of the organizations listed below have strict income and geographic limitations. The ability of some organizations to provide legal services without charge depends upon volunteers and limited resources. There is no guarantee that any of the organizations listed below will be able to provide you with legal representation.

South Jersey Legal Services - for all counties toll free - for Burlington County - for Camden County - for Cumberland and Salem Counties - for Gloucester County - for Atlantic County - for Cape May County	1- (800) 496-4570 or 1- (800) 964-9400 (609) 261-1088 (856) 964-2010 (856) 451-0003 or toll free 1- (800) 510-2492 (856) 848-5360 (609) 348-4200 or toll free 1- (800) 870-7547 (609) 465-3001
Community Health Law Project - for Camden and Atlantic Counties	(856) 858-9500

II. IF YOU DO NOT QUALIFY FOR LEGAL AID and seek a referral to a particular attorney, you may call the following agencies in your geographical location:

LAWYER REFERRAL SERVICE	TELEPHONE NUMBER	CONSULTATION FEES FOR FIRST INTERVIEW
Atlantic County Bar Association	(609) 345-3444	\$35 for first half hour (suggested fee)
Burlington County Bar Association	(609) 261-4862	\$35 for initial interview
Camden County Bar Association	(856) 482-0618	\$30 for first half hour
Cape May County	(609) 463-0313	\$25 for first half hour
Cumberland County	(856) 825-2001	\$35 for first half hour
Gloucester County Bar Association	(856) 848-4589	\$25 for first half hour
Salem County Bar Association	(856) 935-5629	Fee set by consulting attorney

RESOURCES FOR LEGAL ASSISTANCE

TRENTON VICINAGE

The following list of legal resources is provided to assist you in finding legal representation:

I. IF YOU BELIEVE YOU CANNOT AFFORD AN ATTORNEY, you may call the following agencies in your geographical location. Many of the organizations listed below have strict income and geographic limitations. The ability of some organizations to provide legal services without charge depends upon volunteers and limited resources. There is no guarantee that any of the organizations listed below will be able to provide you with legal representation.

For All Counties		Toll free 1- (800) 496-4570
For Burlington County	South Jersey Legal Services	(609) 261-1088
For Hunterdon County	Legal Services of Northwest Jersey	(908) 782-7979
For Mercer County	Central Jersey Legal Services	(609) 695-6249
	Community Health Law Project	(609) 392-5553
For Middlesex County	Central Jersey Legal Services - Perth Amboy area - New Brunswick area	(732) 324-1613 (732) 249-7600
For Monmouth County	Ocean-Monmouth Legal Services, Inc.	(732) 866-0020
	Legal Aid Society of Monmouth County	(732) 776-7733
	Community Health Law Project	(732)-502-0059
For Ocean County	Ocean-Monmouth Legal Services, Inc.	(732) 341-2727
For Somerset County	Legal Services of Northwest Jersey	(908) 231-0840
For Union County	Central Jersey Legal Services	(908) 354-4340
	Community Health Project	(908) 355-8282
For Warren County	Legal Services of Northwest Jersey	(908) 475-2010

II. IF YOU DO NOT QUALIFY FOR LEGAL AID and seek a referral to a particular attorney, you may call the following agencies in your geographical location:

LAWYER REFERRAL SERVICE	TELEPHONE NUMBER	CONSULTATION FEES FOR FIRST INTERVIEW
Burlington County Bar Association	(609) 261-4862	\$35 for initial interview
Hunterdon County	(908) 735-2611	\$50 for first hour
Mercer County Bar Association	(609) 585-6200	\$25 for first half hour
Middlesex County Bar Association	(732) 828-0053	\$35 for first half hour
Monmouth Bar Association	(732) 431-5544	Fee set by attorney
Ocean County Bar Association	(732) 240-3666	\$30 for first half hour; \$50 for first hour
Somerset County Bar Association	(908) 685-2323	Fee set by consulting attorney
Union County Bar Association	(908) 353-4715	\$35 for first half hour
Warren County Bar Association	(908)-387-1835	\$25 for first half hour

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In the matter of	:	Case No.
	:	Chapter:
Debtor(s)	:	

NOTICE OF PRO BONO SERVICES

PLEASE TAKE NOTICE that _____, Esquire hereby enters his/her appearance on a pro bono basis on behalf of _____. All copies of notices and pleadings filed in this case or proceedings therein, including but not limited to notices provided pursuant to Fed. R. Bankr. P. 2002, should be sent to the address(es) listed below:

Date:	_____
	Attorney (Pro Bono)

	Attorney ID Number

D.N.J. LBR 1073-1

Assignment of Cases

(a) For purposes of the division of business, the Court shall be divided into three units known as "vicinages," which shall consist of the counties served by such units in the three federal Courthouses in this District.

The Newark vicinage consists of Bergen, Essex, Hudson, Morris, Passaic, Sussex and part of Union County (the townships of Union, Elizabeth, Springfield and Hillside).

The Trenton vicinage consists of part of Burlington (except for the townships of Cinnaminson, Delran, Edgewater Park, Evesham (Marlton), Maple Shade, Moorestown, Mount Laurel, Palmyra, Riverside and Riverton), Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset, and part of Union (except the townships of Union, Elizabeth, Springfield and Hillside) and Warren counties.

The Camden vicinage consists of Atlantic, part of Burlington (the townships of Cinnaminson, Delran, Edgewater Park, Evesham (Marlton), Maple Shade, Moorestown, Mount Laurel, Palmyra, Riverside and Riverton), Camden, Cape May, Cumberland, Gloucester and Salem counties.

(b) A petition commencing a case shall be filed in the vicinage in which the debtor resides if the debtor is an individual, or in which the debtor has its principal place of business within the District if the debtor is an entity other than an individual. The address stated on the petition shall be the actual location of the debtor's residence or principal place of business.

(c) All papers in a case shall be filed in the vicinage in which the case is pending.

(d) If the petition commencing a case states in writing that the case is related to another case which has been or is being filed in the same vicinage, the clerk shall assign the case to the judge to whom the lowest numbered related case has been assigned. All other case assignments shall be made by the random draw method used by the Court.

(e) An application to transfer a case from one judge to another, or from one vicinage to another, shall be made to the judge to whom the case has been assigned. The application shall be on notice to the debtor, any trustee, any secured creditors, and any official committees.

(f) If a case is dismissed, and, within 180 days of such dismissal, another bankruptcy case is filed as to the same debtor, the subsequent case shall be assigned to the same judge to whom the prior case was assigned.

Comments: Formerly Local Rule 9

Reference: Fed.R.Bankr. P. 5005 Filing and Transmittal of Papers

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In the Matter of _____ : Case No. _____
: Chapter ____
Debtor : _____

APPLICATION FOR ORDER TO FILE
PRO BONO CASE IN _____ VICINAGE

The application of _____ respectfully
represents:

1. [State applicant's relationship to case.]
2. The appropriate vicinage for the filing of this case is
_____. The case was referred through:
_____ Rutgers-Camden School of Law Pro Bono Bankruptcy Project
_____ Legal Services
_____ Other _____
3. Filing the case in the _____ vicinage will
facilitate the administration of the case for the benefit of the
debtor(s), and/or debtor's attorney.

Wherefore, applicant requests entry of the order submitted herewith.

Date: _____

[applicant's signature]

In the Matter of _____ : Case No. _____
 _____ : Chapter _____
 Debtor : _____

Upon consideration of the application of
_____ for permission to file the case in the
_____ vicinage.

U.S. BANKRUPTCY JUDGE

NEW JERSEY
APPROVED CREDIT COUNSELING AGENCIES
as of 1/17/2006

Consumer Credit and Budget Counseling, Inc.

299 South Shore Road

US Route 9 South

Marmora, NJ 08223

888-738-8233

www.cc-bc.com

In Person and Telephonic

Consumer Credit Counseling Service of Delaware Valley, Inc.

1515 Market Street

Suite 1325

Philadelphia, PA 19102

800-989-2227

In Person and Telephonic

Consumer Credit Counseling Service of Greater Atlanta Inc.

100 Edgewood Avenue

Suite 1800

Atlanta, GA 30303

800-251-2227

www.cccsinc.org

In Person (*not available in all judicial districts*), Telephonic and Internet

Consumer Credit Counseling Service of New Jersey

185 Ridgedale Avenue

Cedar Knolls, NJ 07927-1812

800-728-3260

www.cccsnj.org

In Person, Telephonic, & Internet

Credit Counseling Centers of America

9330 LBJ Freeway

Suite 900

Dallas, TX

75379-8039

800-493-2222

www.cccamerica.org

In Person (*not available in all judicial districts*), Telephonic and Internet

Family Guidance Center, Corp.
1931 Nottingham Way
Hamilton, NJ 08619
609-586-2574
www.cccscentralnj.com
In Person and Telephonic

Garden State Consumer Credit Counseling, Inc.
225 Willowbrook Road
Freehold, NJ 07728
877-892-4557
www.novadebt.org
In Person (may not be available in all judicial districts) & Telephonic

GreenPath, Inc.
38505 Country Club Drive, Suite 210
Farmington Hills, MI 48331-3429
800-630-6718
www.greenpathbk.com
In Person (*not available in all judicial districts*), and Telephonic

Hummingbird Credit Counseling and Education, Inc.
3737 Glenwood Avenue
Suite 100-106
Raleigh, NC 27612
800-645-4959
www.hbcce.org
Telephonic & Internet

Institute for Financial Literacy, Inc.
449 Forest Avenue, Suite 12
Portland, ME 04101
866-662-4932
www.financiallit.org
Telephonic & Internet

Money Management International Inc.
9009 West Loop South, 7th Floor
Houston, TX 77096-1719
877-918-2227
www.moneymanagement.org
In Person (*not available in all judicial districts*), Telephonic and Internet

(Date)

Name

Address

City, State

RE: Bankruptcy Counseling Appointment: (Date)

Dear ():

As you know, you have been referred to the Bankruptcy Pro Bono Project at Rutgers School of Law-Camden by South Jersey Legal Services. The Bankruptcy Pro Bono Project at the Law School coordinates the provision of pro bono legal representation in specified bankruptcy cases by volunteer attorneys and law students to individuals referred by certain other legal organizations. Since your situation appears to meet the criteria for referral to the Law School's Bankruptcy Pro Bono Project, we are notifying you of your eligibility for pro bono representation in your bankruptcy matter through the Project. If you choose to accept this pro bono legal representation, your bankruptcy matter will be handled by one or two law students who will be supervised, reviewed, and monitored by an experienced volunteer attorney.

Since you have chosen to take advantage of these pro bono legal services, we have scheduled your appointment for (Date and Time) at the Career Services office of Rutgers University School of Law, 211 N. Fifth Street, Camden, NJ 08102. We are located very close to the Benjamin Franklin Bridge in an active area of the campus. Directions to the law school are attached.

Please bring a valid ID with you when you come to the law school on your scheduled date.

You will be meeting with a law student and a supervising volunteer attorney in private practice. They will discuss with you the particulars of your situation and make a determination as to whether or not a Chapter 7 "No Asset" bankruptcy proceeding is right for you. To aid in this process, you must bring the following documents:

1. A list of what you own other than household furnishings and clothing;
2. A list of all the money you owe others (your debts) including name and address of creditor, account number, approximate amount owed to each, and description of the charges;
3. Copies of any recent notices from your creditors and government agencies, and any legal papers sent to you by people to whom you owe money;
4. Notices of law suits, eviction notices, or any other document that you believe requires immediate attention;

5. Your last 60 days of payment advices (pay stubs, unemployment checks, worker's comp checks, or Social Security deposits) for you and your spouse;
6. A breakdown of your monthly income and expenses;
7. Your bank statements covering the last 60 days;
8. Copies of your last two years tax returns;
9. Originals of all correspondence, bills, collection letters, lawsuits, or any communications from creditors;
10. Record of any interest in an education IRA or Section 529 plan;
11. Your credit report. (You can call Equifax at 800-525-6285 or TransUnion at 800-680-7289 to order it before you come in for your appointment.)

After thoroughly reviewing your financial situation, the attorney will decide whether your case can be handled by the Rutgers Project. It is important for you to note that if your case is accepted, the supervising attorney will be responsible for it; however, preparation of documents to be filed with the bankruptcy court, meetings, and certain court appearances may be handled by a law student under the direction of the attorney.

Please reconfirm your appointment by 10:00 a.m. on the morning of your scheduled appointment so that we are sure you are coming. If you must cancel or reschedule your appointment time, call Colleen McNally at 856-225-6406 between the hours of 8:30 a.m. and 4:30 p.m. We realize that your schedule may change and we must be able to notify our volunteer attorney in plenty of time if you need to cancel your appointment. **If you do not show up for a scheduled appointment, and you did not call ahead to reschedule, we may not be able to reschedule you.**

Sincerely,

Colleen M. McNally
Pro Bono Coordinator

Enclosures

UNITED STATES BANKRUPTCY COURT

**NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b)
OF THE BANKRUPTCY CODE**

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors**Chapter 7: Liquidation (\$220 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$274)**

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$150 filing fee, \$39 administrative fee: Total fee \$189)

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of [Non-Attorney] Bankruptcy Petition Preparer

I, the [non-attorney] bankruptcy petition preparer signing the debtor's petition, hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

Printed name and title, if any, of Bankruptcy Petition Preparer

Address:

X
Signature of Bankruptcy Petition Preparer or officer,
principal, responsible person, or partner whose Social
Security number is provided above.

Social Security number (If the bankruptcy petition
preparer is not an individual, state the Social Security
number of the officer, principal, responsible person, or
partner of the bankruptcy petition preparer.) (Required
by 11 U.S.C. § 110.)

Certificate of the Debtor

I (We), the debtor(s), affirm that I (we) have received and read this notice.

Printed Name(s) of Debtor(s)

Case No. (if known)

X
Signature of Debtor Date

X
Signature of Joint Debtor (if any) Date

Form B22A (Chapter 7) (10/05)

In re _____
Debtor(s)

Case Number: _____
(If known)

According to the calculations required by this statement:

- ☐ **The presumption arises.**
☐ **The presumption does not arise.**

(Check the box as directed in Parts I, III, and VI of this statement.)

STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION
FOR USE IN CHAPTER 7 ONLY

In addition to Schedule I and J, this statement must be completed by every individual Chapter 7 debtor, whether or not filing jointly, whose debts are primarily consumer debts. Joint debtors may complete one statement only.

Part I. EXCLUSION FOR DISABLED VETERANS

1	<p>If you are a disabled veteran described in the Veteran's Declaration in this Part I, (1) check the box at the beginning of the Veteran's Declaration, (2) check the box for "The presumption does not arise" at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.</p> <p><input type="checkbox"/> Veteran's Declaration. By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtedness occurred primarily during a period in which I was on active duty (as defined in 10 U.S.C. § 101(d)(1)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. § 901(1)).</p>
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Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION

2	<p>Marital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.</p> <p>a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 3-11.</p> <p>b. <input type="checkbox"/> Married, not filing jointly, with declaration of separate households. By checking this box, debtor declares under penalty of perjury: "My spouse and I are legally separated under applicable non-bankruptcy law or my spouse and I are living apart other than for the purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code." Complete only Column A ("Debtor's Income") for Lines 3-11.</p> <p>c. <input type="checkbox"/> Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. Complete both Column A ("Debtor's Income") and Column B (Spouse's Income) for Lines 3-11.</p> <p>d. <input type="checkbox"/> Married, filing jointly. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11.</p> <p>All figures must reflect average monthly income for the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If you received different amounts of income during these six months, you must total the amounts received during the six months, divide this total by six, and enter the result on the appropriate line.</p>		Column A Debtor's Income	Column B Spouse's Income									
3	Gross wages, salary, tips, bonuses, overtime, commissions.		\$	\$									
4	<p>Income from the operation of a business, profession or farm. Subtract Line b from Line a and enter the difference on Line 4. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part V.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 5%;">a.</td> <td style="width: 40%;">Gross receipts</td> <td style="width: 15%;">\$</td> </tr> <tr> <td>b.</td> <td>Ordinary and necessary business expenses</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Business income</td> <td>Subtract Line b from Line a</td> </tr> </table>		a.	Gross receipts	\$	b.	Ordinary and necessary business expenses	\$	c.	Business income	Subtract Line b from Line a	\$	\$
a.	Gross receipts	\$											
b.	Ordinary and necessary business expenses	\$											
c.	Business income	Subtract Line b from Line a											
5	<p>Rent and other real property income. Subtract Line b from Line a and enter the difference on Line 5. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part V.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 5%;">a.</td> <td style="width: 40%;">Gross receipts</td> <td style="width: 15%;">\$</td> </tr> <tr> <td>b.</td> <td>Ordinary and necessary operating expenses</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Rental income</td> <td>Subtract Line b from Line a</td> </tr> </table>		a.	Gross receipts	\$	b.	Ordinary and necessary operating expenses	\$	c.	Rental income	Subtract Line b from Line a	\$	\$
a.	Gross receipts	\$											
b.	Ordinary and necessary operating expenses	\$											
c.	Rental income	Subtract Line b from Line a											
6	Interest, dividends and royalties.		\$	\$									
7	Pension and retirement income.		\$	\$									
8	Regular contributions to the household expenses of the debtor or the debtor's dependents, including child or spousal support. Do not include contributions from the debtor's spouse if Column B is completed.		\$	\$									

9	Unemployment compensation. Enter the amount in Column A and, if applicable, Column B. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:			
	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$ _____	Spouse \$ _____	
				\$
10	Income from all other sources. If necessary, list additional sources on a separate page. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. Specify source and amount.			
	a.		\$	
	b.		\$	
	Total and enter on Line 10			\$
11	Subtotal of Current Monthly Income for § 707(b)(7). Add Lines 3 thru 10 in Column A, and, if Column B is completed, add Lines 3 through 10 in Column B. Enter the total(s).			\$
12	Total Current Monthly Income for § 707(b)(7). If Column B has been completed, add Line 11, Column A to Line 11, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 11, Column A.			\$

Part III. APPLICATION OF § 707(b)(7) EXCLUSION

13	Annualized Current Monthly Income for § 707(b)(7). Multiply the amount from Line 12 by the number 12 and enter the result.	\$
14	Applicable median family income. Enter the median family income for the applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	\$
15	Application of Section 707(b)(7). Check the applicable box and proceed as directed. <input type="checkbox"/> The amount on Line 13 is less than or equal to the amount on Line 14. Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete Part VIII; do not complete Parts IV, V, VI or VII. <input type="checkbox"/> The amount on Line 13 is more than the amount on Line 14. Complete the remaining parts of this statement.	

Complete Parts IV, V, VI, and VII of this statement only if required. (See Line 15.)

Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)

16	Enter the amount from Line 12.	\$
17	Marital adjustment. If you checked the box at Line 2.c, enter the amount of the income listed in Line 11, Column B that was NOT regularly contributed to the household expenses of the debtor or the debtor's dependents. If you did not check box at Line 2.c, enter zero.	\$
18	Current monthly income for § 707(b)(2). Subtract Line 17 from Line 16 and enter the result.	\$

Part V. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

19	National Standards: food, clothing, household supplies, personal care, and miscellaneous. Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	\$
20A	Local Standards: housing and utilities; non-mortgage expenses. Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and family size.	\$

	(This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court).											
20B	<p>Local Standards: housing and utilities; mortgage/rent expense. Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and family size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 42; subtract Line b from Line a and enter the result in Line 20B. Do not enter an amount less than zero.</p> <table border="1"> <tr> <td>a.</td> <td>IRS Housing and Utilities Standards; mortgage/rental expense</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Net mortgage/rental expense</td> <td>Subtract Line b from Line a.</td> </tr> </table>		a.	IRS Housing and Utilities Standards; mortgage/rental expense	\$	b.	Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42	\$	c.	Net mortgage/rental expense	Subtract Line b from Line a.	\$
a.	IRS Housing and Utilities Standards; mortgage/rental expense	\$										
b.	Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42	\$										
c.	Net mortgage/rental expense	Subtract Line b from Line a.										
21	<p>Local Standards: housing and utilities; adjustment. If you contend that the process set out in Lines 20A and 20B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below:</p> 		\$									
22	<p>Local Standards: transportation; vehicle operation/public transportation expense. You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation.</p> <p>Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8. <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>Enter the amount from IRS Transportation Standards, Operating Costs & Public Transportation Costs for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)</p>		\$									
23	<p>Local Standards: transportation ownership/lease expense; Vehicle 1. Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) <input type="checkbox"/> 1 <input type="checkbox"/> 2 or more.</p> <p>Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, First Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 42; subtract Line b from Line a and enter the result in Line 23. Do not enter an amount less than zero.</p> <table border="1"> <tr> <td>a.</td> <td>IRS Transportation Standards, Ownership Costs, First Car</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td>Subtract Line b from Line a.</td> </tr> </table>		a.	IRS Transportation Standards, Ownership Costs, First Car	\$	b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42	\$	c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs, First Car	\$										
b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42	\$										
c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.										
24	<p>Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 23.</p> <p>Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 42; subtract Line b from Line a and enter the result in Line 24. Do not enter an amount less than zero.</p> <table border="1"> <tr> <td>a.</td> <td>IRS Transportation Standards, Ownership Costs, Second Car</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Net ownership/lease expense for Vehicle 2</td> <td>Subtract Line b from Line a.</td> </tr> </table>		a.	IRS Transportation Standards, Ownership Costs, Second Car	\$	b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42	\$	c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs, Second Car	\$										
b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42	\$										
c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a.										
25	<p>Other Necessary Expenses: taxes. Enter the total average monthly expense that you actually incur for all federal, state and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. Do not include real estate or sales taxes.</p>											
26	<p>Other Necessary Expenses: mandatory payroll deductions. Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. Do not include discretionary amounts, such as non-mandatory 401(k) contributions.</p>		\$									

27	Other Necessary Expenses: life insurance. Enter average monthly premiums that you actually pay for term life insurance for yourself. Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.		\$												
28	Other Necessary Expenses: court-ordered payments. Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. Do not include payments on past due support obligations included in Line 44.		\$												
29	Other Necessary Expenses: education for employment or for a physically or mentally challenged child. Enter the total monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.		\$												
30	Other Necessary Expenses: childcare. Enter the average monthly amount that you actually expend on childcare. Do not include payments made for children's education.		\$												
31	Other Necessary Expenses: health care. Enter the average monthly amount that you actually expend on health care expenses that are not reimbursed by insurance or paid by a health savings account. Do not include payments for health insurance listed in Line 34.		\$												
32	Other Necessary Expenses: telecommunication services. Enter the average monthly expenses that you actually pay for cell phones, pagers, call waiting, caller identification, special long distance or internet services necessary for the health and welfare of you or your dependents. Do not include any amount previously deducted.		\$												
33	Total Expenses Allowed under IRS Standards. Enter the total of Lines 19 through 32.		\$												
Subpart B: Additional Expense Deductions under § 707(b)															
Note: Do not include any expenses that you have listed in Lines 19-32															
34	Health Insurance, Disability Insurance and Health Savings Account Expenses. List the average monthly amounts that you actually expend in each of the following categories and enter the total. <table border="1" style="width: 100%;"> <tr> <td>a.</td> <td>Health Insurance</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Disability Insurance</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Health Savings Account</td> <td>\$</td> </tr> <tr> <td colspan="2"></td> <td>Total: Add Lines a, b and c</td> </tr> </table>		a.	Health Insurance	\$	b.	Disability Insurance	\$	c.	Health Savings Account	\$			Total: Add Lines a, b and c	\$
a.	Health Insurance	\$													
b.	Disability Insurance	\$													
c.	Health Savings Account	\$													
		Total: Add Lines a, b and c													
35	Continued contributions to the care of household or family members. Enter the actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.		\$												
36	Protection against family violence. Enter any average monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law.		\$												
37	Home energy costs in excess of the allowance specified by the IRS Local Standards. Enter the average monthly amount by which your home energy costs exceed the allowance in the IRS Local Standards for Housing and Utilities. You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.		\$												
38	Education expenses for dependent children less than 18. Enter the average monthly expenses that you actually incur, not to exceed \$125 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.		\$												
39	Additional food and clothing expense. Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS National Standards, not to exceed five percent of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.		\$												
40	Continued charitable contributions. Enter the amount that you will continue to contribute in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2).		\$												
41	Total Additional Expense Deductions under § 707(b). Enter the total of Lines 34 through 40		\$												

Subpart C: Deductions for Debt Payment

42	Future payments on secured claims. For each of your debts that is secured by an interest in property that you own, list the name of the creditor, identify the property securing the debt, and state the Average Monthly Payment. The Average Monthly Payment is the total of all amounts contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. Mortgage debts should include payments of taxes and insurance required by the mortgage. If necessary, list additional entries on a separate page.			
	Name of Creditor	Property Securing the Debt	60-month Average Payment	
	a.		\$	
	b.		\$	
	c.		\$	
			Total: Add Lines a, b and c.	\$
43	Past due payments on secured claims. If any of the debts listed in Line 42 are in default, and the property securing the debt is necessary for your support or the support of your dependents, you may include in your deductions 1/60th of the amount that you must pay the creditor as a result of the default (the "cure amount") in order to maintain possession of the property. List any such amounts in the following chart and enter the total. If necessary, list additional entries on a separate page.			
	Name of Creditor	Property Securing the Debt in Default	1/60th of the Cure Amount	
	a.		\$	
	b.		\$	
	c.		\$	
			Total: Add Lines a, b and c	\$
44	Payments on priority claims. Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.			\$
45	Chapter 13 administrative expenses. If you are eligible to file a case under Chapter 13, complete the following chart, multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.			
	a.	Projected average monthly Chapter 13 plan payment.	\$	
	b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x	
	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$
46	Total Deductions for Debt Payment. Enter the total of Lines 42 through 45.			\$
Subpart D: Total Deductions Allowed under § 707(b)(2)				
47	Total of all deductions allowed under § 707(b)(2). Enter the total of Lines 33, 41, and 46.			\$

Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION

48	Enter the amount from Line 18 (Current monthly income for § 707(b)(2))	\$
49	Enter the amount from Line 47 (Total of all deductions allowed under § 707(b)(2))	\$
50	Monthly disposable income under § 707(b)(2). Subtract Line 49 from Line 48 and enter the result	\$
51	60-month disposable income under § 707(b)(2). Multiply the amount in Line 50 by the number 60 and enter the result.	\$

52	<p>Initial presumption determination. Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> The amount on Line 51 is less than \$6,000. Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII. Do not complete the remainder of Part VI.</p> <p><input type="checkbox"/> The amount set forth on Line 51 is more than \$10,000. Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII. Do not complete the remainder of Part VI.</p> <p><input type="checkbox"/> The amount on Line 51 is at least \$6,000, but not more than \$10,000. Complete the remainder of Part VI (Lines 53 through 55).</p>
53	<p>Enter the amount of your total non-priority unsecured debt</p> <p style="text-align: right;">\$</p>
54	<p>Threshold debt payment amount. Multiply the amount in Line 53 by the number 0.25 and enter the result.</p> <p style="text-align: right;">\$</p>
55	<p>Secondary presumption determination. Check the applicable box and proceed as directed.</p> <p><input type="checkbox"/> The amount on Line 51 is less than the amount on Line 54. Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII.</p> <p><input type="checkbox"/> The amount on Line 51 is equal to or greater than the amount on Line 54. Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII.</p>

Part VII: ADDITIONAL EXPENSE CLAIMS

56	<p>Other Expenses. List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 5%;">Expense Description</th> <th style="width: 5%;">Monthly Amount</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>\$</td> </tr> <tr> <td colspan="2" style="text-align: right;">Total: Add Lines a, b and c</td> </tr> <tr> <td></td> <td>\$</td> </tr> </tbody> </table>	Expense Description	Monthly Amount	a.	\$	b.	\$	c.	\$	Total: Add Lines a, b and c			\$
Expense Description	Monthly Amount												
a.	\$												
b.	\$												
c.	\$												
Total: Add Lines a, b and c													
	\$												

Part VIII: VERIFICATION

57	<p>I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this a joint case, both debtors must sign.)</i></p> <p>Date: _____ Signature: _____ (Debtor)</p> <p>Date: _____ Signature: _____ (Joint Debtor, if any)</p>
----	---

IRS National Standards for Allowable Living Expenses

Collection Financial Standards for Food, Clothing and Other Items. Due to their unique geographic circumstances and higher cost of living, separate standards have been established for Alaska and Hawaii .

One Person National Standards Based on Gross Monthly Income

Item	less than \$833	\$833 to \$1,249	\$1,250 to \$1,666	\$1,667 to \$2,499	\$2,500 to \$3,333	\$3,334 to \$4,166	\$4,167 to \$5,833	\$5,834 and over
Food	197	215	231	258	300	339	369	543
Housekeeping supplies	19	20	25	26	29	36	37	51
Apparel & services	60	61	70	75	100	124	134	207
Personal care products & services	19	24	26	27	40	42	43	44
Miscellaneous	108	108	108	108	108	108	108	108
Total	\$403	\$428	\$460	\$494	\$577	\$649	\$691	\$953

Bankruptcy Allowable Living Expenses – National Standards

(See 11 U.S.C. § 707(b)(2)(A)(ii)(I))

Food & Clothing (Apparel & services)*	258	277	301	333	400	463	503	750
5% of Food & Clothing	13	14	15	17	20	23	25	38

Two Persons National Standards Based on Gross Monthly Income

Item	less than \$833	\$833 to \$1,249	\$1,250 to \$1,666	\$1,667 to \$2,499	\$2,500 to \$3,333	\$3,334 to \$4,166	\$4,167 to \$5,833	\$5,834 and over
Food	336	337	338	424	439	487	559	691

Housekeeping supplies	36	37	38	48	52	53	107	108
Apparel & services	81	88	91	95	125	132	164	276
Personal care products & services	33	34	35	43	44	51	56	71
Miscellaneous	134	134	134	134	134	134	134	134
Total	\$620	\$630	\$636	\$744	\$794	\$857	\$1,020	\$1,280

Bankruptcy Allowable Living Expenses – National Standards
(See 11 U.S.C. § 707(b)(2)(A)(ii)(I))

Food & Clothing (Apparel & services)*	417	425	429	519	564	619	722	966
5% of Food & Clothing	21	21	21	26	28	31	36	48

Three Persons National Standards Based on Gross Monthly Income

Item	less than \$833	\$833 to \$1,249	\$1,250 to \$1,666	\$1,667 to \$2,499	\$2,500 to \$3,333	\$3,334 to \$4,166	\$4,167 to \$5,833	\$5,834 and over
Food	467	468	469	470	490	546	622	778
Housekeeping supplies	41	42	43	49	53	55	108	109
Apparel & services	132	144	157	158	159	188	204	303
Personal care products & services	34	36	37	44	45	52	61	79
Miscellaneous	161	161	161	161	161	161	161	161
Total	\$835	\$851	\$867	\$882	\$908	\$1,002	\$1,156	\$1,430

Bankruptcy Allowable Living Expenses – National Standards
(See 11 U.S.C. § 707(b)(2)(A)(ii)(I))

Food & Clothing (Apparel & services)*	599	612	626	628	650	734	826	1,081
5% of Food & Clothing	30	31	31	31	32	37	41	54

Four Persons National Standards Based on Gross Monthly Income

Item	less than \$833	\$833 to \$1,249	\$1,250 to \$1,666	\$1,667 to \$2,499	\$2,500 to \$3,333	\$3,334 to \$4,166	\$4,167 to \$5,833	\$5,834 and over
Food	468	525	526	527	528	640	722	868
Housekeeping supplies	42	43	44	50	54	61	109	110
Apparel & services	146	169	170	171	174	189	217	317
Personal care products & services	37	42	43	45	46	53	62	81
Miscellaneous	188	188	188	188	188	188	188	188
Total	\$881	\$967	\$971	\$981	\$990	\$1,131	\$1,298	\$1,564

Bankruptcy Allowable Living Expenses – National Standards
(See 11 U.S.C. § 707(b)(2)(A)(ii)(I))

Food & Clothing (Apparel & services)*	614	694	696	698	702	829	939	1,185
5% of Food & Clothing	31	35	35	35	35	41	47	59

More Than Four Persons National Standards Based on Gross Monthly Income

Item	less than \$833	\$833 to \$1,249	\$1,250 to \$1,666	\$1,667 to \$2,499	\$2,500 to \$3,333	\$3,334 to \$4,166	\$4,167 to \$5,833	\$5,834 and over
For each additional person, add to four person total allowance:	\$134	\$145	\$155	\$166	\$177	\$188	\$199	\$209

Bankruptcy Allowable Living Expenses – National Standards

(See 11 U.S.C. § 707(b)(2)(A)(ii)(I))

Food & Clothing (Apparel & services)*	93	104	111	118	126	138	144	158
5% of Food & Clothing	5	5	6	6	6	7	7	8

Effective January 1, 2005

* This total may differ from the combination of the two amounts on the table above due to rounding.

New Jersey Local Housing and Utilities Standards*						
	Family Size and Expense Type					
	1 or 2 Person		3 Person		4 or More Persons	
	Non-Mortgage	Mortgage/ Rent	Non-Mortgage	Mortgage/ Rent	Non-Mortgage	Mortgage/ Rent
Atlantic County	\$424	\$831	\$499	\$978	\$574	\$1,124
Bergen County	\$535	\$1,421	\$629	\$1,672	\$724	\$1,922
Burlington County	\$414	\$996	\$487	\$1,172	\$560	\$1,348
Camden County	\$420	\$857	\$494	\$1,008	\$569	\$1,159
Cape May County	\$450	\$757	\$530	\$890	\$609	\$1,024
Cumberland County	\$421	\$660	\$496	\$776	\$570	\$893
Essex County	\$535	\$1,338	\$629	\$1,574	\$724	\$1,810
Gloucester County	\$412	\$885	\$484	\$1,042	\$557	\$1,198
Hudson County	\$548	\$1,062	\$645	\$1,249	\$742	\$1,436
Hunterdon County	\$469	\$1,444	\$552	\$1,699	\$635	\$1,953
Mercer County	\$466	\$1,058	\$549	\$1,244	\$631	\$1,430
Middlesex County	\$448	\$1,126	\$527	\$1,325	\$606	\$1,524
Monmouth County	\$471	\$1,234	\$554	\$1,452	\$637	\$1,670
Morris County	\$473	\$1,414	\$556	\$1,664	\$640	\$1,913
Ocean County	\$429	\$910	\$505	\$1,070	\$580	\$1,231
Passaic County	\$484	\$1,206	\$570	\$1,418	\$655	\$1,631
Salem County	\$486	\$698	\$572	\$821	\$658	\$944
Somerset County	\$459	\$1,386	\$540	\$1,631	\$620	\$1,877
Sussex County	\$403	\$1,128	\$474	\$1,328	\$546	\$1,526
Union County	\$490	\$1,210	\$577	\$1,423	\$663	\$1,637
Warren County	\$429	\$1,053	\$505	\$1,238	\$580	\$1,425

IRS Local Transportation Expense Standards - Northeast Census Region

For Use with Allowable Transportation Expenses Table		
<p>The Operating Costs and Public Transportation Costs sections of the Transportation Standards are provided by Census Region and Metropolitan Statistical Area (MSA). The following table lists the states that comprise each Census Region. Once the taxpayer's Census Region has been ascertained, to determine if an MSA standard is applicable, use the definitions below to see if the taxpayer lives within an MSA (MSAs are defined by county and city, where applicable). If the taxpayer does not reside in an MSA, use the regional standard.</p>		
Northeast Census Region		
Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New York, New Jersey		
Metropolitan Statistical Areas (MSAs) Within the Northeast Census Region		
MSA	COUNTIES	
New York	in NY:	Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Westchester
	in NJ:	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, Warren
	in CT:	Fairfield, Litchfield, Middlesex, New Haven
	in PA:	Pike
Philadelphia	in PA:	Bucks, Chester, Delaware, Montgomery, Philadelphia
	in NJ:	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Salem
	in DE:	New Castle
	in MD:	Cecil
Boston	in MA:	Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth, Suffolk, Worcester
	in NH:	Hillsborough, Merrimack, Rockingham, Strafford
	in CT:	Windham
	in ME:	York

Pittsburgh	in PA:	Allegheny, Beaver, Butler, Fayette, Washington, Westmoreland	
IRS LOCAL TRANSPORTATION* EXPENSE STANDARDS Northeast Census Region			
Operating Costs & Public Transportation Costs (Line 22, Form B22A) (Line 27, Form B22C)			
Region	No Car	One Car	Two Cars
Northeast Region	\$230	\$298	\$393
MSA Locations Within Census Region:			
New York	\$302	\$384	\$479
Philadelphia	\$236	\$298	\$392
Boston	\$259	\$284	\$380
Pittsburgh	\$161	\$286	\$380
Ownership Costs (Lines 23 and 24, Form B22A) (Lines 28 and 29, Form B22C)			
National	First Car	Second Car	
	\$475	\$338	

MEANS TEST CALCULATION

As part of BAPCPA, the debtor is required to complete the Current Monthly Income and Means Test calculations included on Form B22A found in the Appendix at page 8. Current monthly income calculates the debtor's average income over the last 6 months, including income from all sources, taxable or not (but not including social security income) plus any amount paid by an entity other than the debtor on a regular basis toward household expenses.

1. What are your monthly gross wages, salary, tips, bonuses, overtime commissions?
2. What is your income from operating a business?
3. What income do you get from rental property?
4. What interest, dividends or royalties do you get a month?
5. What is your monthly pension or retirement income (not including social security)?
6. What regular contributions do you receive from someone else toward household expenses, including child or spousal support? (This is separate from Column B if this is a joint petition).
7. Do you receive unemployment compensation? What amount?
8. Do you receive any other monthly income? Specify the source.

Your total monthly income is then multiplied by 12 and then compared to the median family income for your household size in New Jersey. See information published at www.usdoj.gov/ust/. If your income is less than the median income, you do not have to complete the remaining portions of the Means Test form. If your income is greater than the median income, you must complete the remaining portions of the form. Now you must calculate the 3 different types of allowed deductions for Means Test purposes.

Subpart A. of Part V. calculates the deductions allowed under the Standards of the Internal Revenue Service. The standards are located in part in the Appendix at pages 14-21 and can also be found at the UST's website. You will need to add the following deductions based on income or family size:

1. The IRS National Standard for Allowable Living Expenses.
2. The IRS Local standard for housing and utilities, non-mortgage expenses.

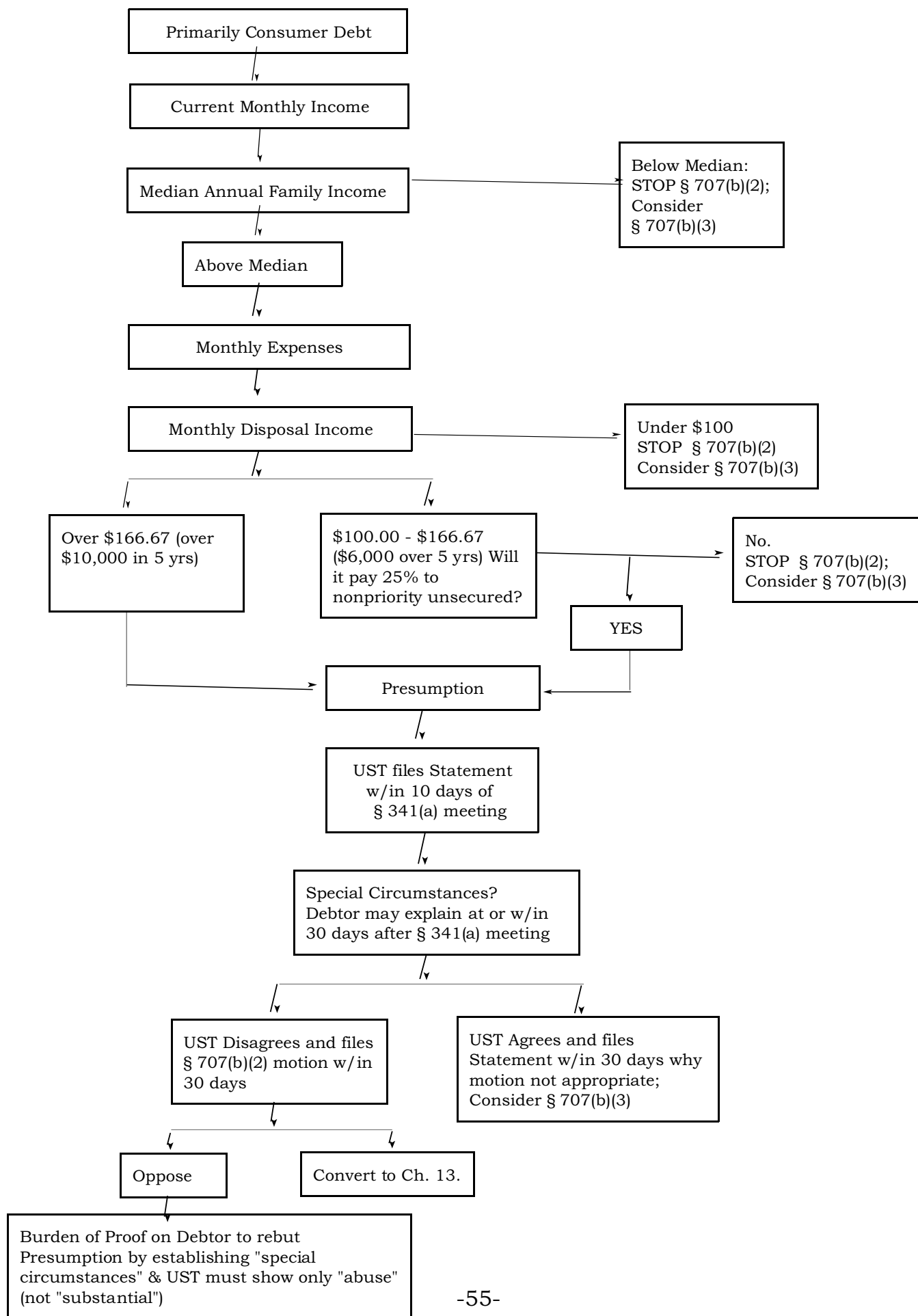
3. The IRS Local standard for housing and utilities, mortgage/rent expenses.
4. The IRS Local standard for vehicle operation/public transportation expenses.
5. The IRS Local standard for transportation ownership/lease expense for up to 2 vehicles.
6. Tax expenses including all federal income, self employment, social security and Medicare taxes, and state and local taxes, other than real estate and sales taxes.
7. Other mandatory payroll deductions such as mandatory retirement contributions, union dues, etc.
8. Monthly term insurance premiums.
9. Court ordered payments, such as child support.
10. Education payments for physically or mentally challenged dependents.
11. Childcare expenses.
12. Unreimbursed healthcare expenses.
13. Cellphone, internet or other special phone services needed for the health and welfare of you or your dependents.

Additional expenses are also allowed for (1) premiums for health or disability insurance or a health savings account; (2) care given for elderly or chronically ill members of your household; (3) costs incurred for protection against family violence; (4) home energy costs in excess of the IRS Standards; (5) education costs (not to exceed \$125 per child) for dependent children under the age of 18; (6) additional food and clothing expenses in excess of the IRS Standards, and (7) charitable contributions. You are also able to deduct 1/60th of any amounts that are past due for secured claims, priority claims or for future payments on secured claims.

The total deductions are then subtracted from the current monthly income determined earlier to calculate your disposable income. The resulting amount is then multiplied by 60. If this amount is less than \$6,000, then a presumption of abuse does not arise (meaning that the debtor should be filing Chapter 13 instead of Chapter 7). If the amount is greater than \$10,000, a presumption of abuse does arise.

If the amount is greater than \$6,000 but less than \$10,000, you must complete the form. Now you must enter the total of your nonpriority unsecured debt (taken from Schedule F of your petition). Multiply this amount by 0.25. If your disposable income is less than this amount, the presumption does not arise. If it is greater than this amount, the presumption does arise.

Means Test Flowchart



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:

THE BANKRUPTCY ABUSE PREVENTION
AND CONSUMER PROTECTION ACT OF 2005

**GENERAL ORDER DIRECTING THAT THE FILING OF PAY STUBS WITH THE
COURT PURSUANT TO SECTION 521(a)(1)(B)(IV) AND INTERIM RULE
1007(b)(1)(E) SHALL NOT APPLY IN THE DISTRICT OF NEW JERSEY**

Whereas, on April 20, 2005 the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the Act) was enacted into law; and

Whereas, most provisions of the Act are effective on October 17, 2005; and

Whereas, on September 22, 2005 this Court entered a General Order pursuant to 28 USC section 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, adopting in their entirety without change by the Board of Judges of this Court, the Interim Rules prepared by the Advisory Committee on Bankruptcy Rules and approved by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, designed to implement the substantive and procedural changes mandated by the Act, to be effective October 17, 2005; and

Whereas, section 521(a)(1)(B)(iv) of the Act provides that “*unless the court orders otherwise*”, the debtor shall file copies of all payment advices (pay stubs) or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor; and

Whereas, Interim Rule 1007 (b)(1)(E) implements this requirement;

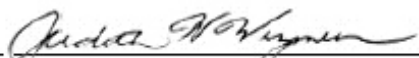
NOW THEREFORE, the Board of Judges of this Court order that the payment advices described in section 521(a)(1)(B)(iv) and Interim Rule 1007(b)(1)(E) shall not be filed with the Court, but shall be presented to the trustee at the First Meeting of Creditors.

This General Order does not modify or supercede the requirements imposed upon individual debtors by Interim Rule 4002(b)(2)(A).

For cases and proceedings not governed by the Act, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other than the Interim Rules shall apply.

The Interim Rules shall remain in effect until further order of the Court.

Dated: October 6, 2005



HON. JUDITH H. WISMUR
Chief Judge
United States Bankruptcy Court
District of New Jersey

**List of Approved Providers of Personal Financial Management
Instructional Courses (Debtor Education) Pursuant to 11 U.S.C. § 111
for New Jersey**

Isabel C. Balboa
Chapter 13 Standing Trustee
535 Route 38
Suite 580
Cherry Hill, NJ 08002
856-663-5002
In Person

Only approved in cases where the provider is appointed as the standing trustee.

Black Hills Children's Ranch, Inc.
1644 Concourse Drive
Rapid City, SD 57703
800-888-1596
www.pioneercredit.com
In Person (may not be available in all judicial districts) & Telephonic

Consumer Credit Counseling Service of Delaware Valley, Inc.
1515 Market Street
Suite 1325
Philadelphia, PA 19102
800-989-2227
www.cccsdv.org
In Person

Consumer Credit Counseling Service of Greater Atlanta, Inc.
100 Edgewood Avenue
Suite 1800
Atlanta, GA 30303
404-653-8809
www.cccsinc.org
In Person (not available in all judicial districts) & Internet

Consumer Credit Counseling Service of San Francisco
150 Post Street, 5th Floor
San Francisco, CA 94108
800-777-7526
www.yournextmove.org
In Person (*may not be available in all judicial districts*), Telephonic, and Internet

GreenPath Debt Solutions
38505 Country Club Drive, Suite 210
Farmington Hills, MI 48331-3429
800-630-6718

www.greenpathbk.com

In Person (*may not be available in all judicial districts*), and Telephonic

InCharge Education Foundation, Inc.
2101 Park Center Drive
Suite 310
Orlando, FL 32835
866-729-0049

www.personalfinanceeducation.com

Internet Institute for Financial Literacy
449 Forest Avenue
Suite 12
Portland, ME 04101
207-879-0389

www.financiallit.org

Telephonic Money Management International, Inc.
9009 West Loop South, 7th Floor
Houston, TX 77096-1719
866-745-2227

www.moneymanagement.org

In Person (*not available in all judicial districts*), Telephonic and Internet

Novadebt
225 Willowbrook Road
Freehold, NJ 07728
866-254-2660

www.novadebt.org

In Person (*may not be available in all judicial districts*), and Telephonic

Rutgers, The State University of New Jersey
The Cook College, Office of Continuing Professional Education
102 Ryders Lane
New Brunswick, NJ 08901-8519
732-932-9271

www.cookce.rutgers.edu

In Person

United States Bankruptcy Court

____ District of _____

In re _____,

Case No. _____

Debtor ☐

Chapter _____

REAFFIRMATION AGREEMENT

[Indicate all documents included in this filing by checking each applicable box.]

☐ Part A: Disclosures, Instructions, and
Notice to Debtor (Pages 1 - 5)

☐ Part D: Debtor's Statement in Support of
Reaffirmation Agreement

☐ Part B: Reaffirmation Agreement

☐ Part E: Motion for Court Approval

☐ Part C: Certification by Debtor's
Attorney

☐ Proposed Order Approving Reaffirmation
Agreement

☐ [Check this box if] Creditor is a Credit Union as defined in §19(b)(1)(a)(iv) of the
Federal Reserve Act

PART A: DISCLOSURE STATEMENT, INSTRUCTIONS AND NOTICE TO DEBTOR

1. DISCLOSURE STATEMENT

Before Agreeing to Reaffirm a Debt, Review These Important Disclosures:

SUMMARY OF REAFFIRMATION AGREEMENT

This Summary is made pursuant to the requirements of the Bankruptcy Code.

AMOUNT REAFFIRMED

a. The amount of debt you have agreed to reaffirm: \$ _____

b. All fees and costs accrued as of the date of this
disclosure statement, related to the amount of debt
shown in a., above: \$ _____

c. The total amount you have agreed to reaffirm
(Debt and fees and costs) (Add lines a. and b.): \$ _____

***Your credit agreement may obligate you to pay additional amounts which may come
due after the date of this disclosure. Consult your credit agreement.***

ANNUAL PERCENTAGE RATE

[The annual percentage rate can be disclosed in different ways, depending on the type of debt.]

a. If the debt is an extension of “credit” under an “open end credit plan,” as those terms are defined in § 103 of the Truth in Lending Act, such as a credit card, the creditor may disclose the annual percentage rate shown in (I) below or, to the extent this rate is not readily available or not applicable, the simple interest rate shown in (ii) below, or both.

(I) The Annual Percentage Rate disclosed, or that would have been disclosed, to the debtor in the most recent periodic statement prior to entering into the reaffirmation agreement described in Part B below or, if no such periodic statement was given to the debtor during the prior six months, the annual percentage rate as it would have been so disclosed at the time of the disclosure statement: ____%.

— And/Or —

(ii) The simple interest rate applicable to the amount reaffirmed as of the date this disclosure statement is given to the debtor: ____%. If different simple interest rates apply to different balances included in the amount reaffirmed, the amount of each balance and the rate applicable to it are:

\$ ____ @ ____ %;
\$ ____ @ ____ %;
\$ ____ @ ____ %.

b. If the debt is an extension of credit other than under an open end credit plan, the creditor may disclose the annual percentage rate shown in (I) below, or, to the extent this rate is not readily available or not applicable, the simple interest rate shown in (ii) below, or both.

(I) The Annual Percentage Rate under §128(a)(4) of the Truth in Lending Act, as disclosed to the debtor in the most recent disclosure statement given to the debtor prior to entering into the reaffirmation agreement with respect to the debt or, if no such disclosure statement was given to the debtor, the annual percentage rate as it would have been so disclosed: ____%.

— And/Or —

(ii) The simple interest rate applicable to the amount reaffirmed as of the date this disclosure statement is given to the debtor: ____%. If different simple interest rates apply to different balances included in the amount reaffirmed,

P. 3

the amount of each balance and the rate applicable to it are:

\$ _____ @ _____ %;

\$ _____ @ _____ %;

\$ _____ @ _____ %.

c. If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act:

The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.

d. If the reaffirmed debt is secured by a security interest or lien, which has not been waived or determined to be void by a final order of the court, the following items or types of items of the debtor's goods or property remain subject to such security interest or lien in connection with the debt or debts being reaffirmed in the reaffirmation agreement described in Part B.

Item or Type of Item

Original Purchase Price or Original Amount of Loan

Optional---At the election of the creditor, a repayment schedule using one or a combination of the following may be provided:

Repayment Schedule:

Your first payment in the amount of \$ _____ is due on _____ (date), but the future payment amount may be different. Consult your reaffirmation agreement or credit agreement, as applicable.

---Or---

Your payment schedule will be: _____ (number) payments in the amount of \$ _____ each, payable (monthly, annually, weekly, etc.) on the _____ (day) of each _____ (week, month, etc.), unless altered later by mutual agreement in writing.

---Or---

A reasonably specific description of the debtor's repayment obligations to the extent known by the creditor or creditor's representative.

2. INSTRUCTIONS AND NOTICE TO DEBTOR

Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).
2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.
3. If you were represented by an attorney during the negotiation of your reaffirmation agreement, the attorney must have signed the certification in Part C.
4. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, you must have completed and signed Part E.
5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.
6. If the creditor is not a Credit Union and you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D. If the creditor is a Credit Union and you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.
7. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you and the creditor of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your reaffirmation agreement. The bankruptcy court must approve your reaffirmation agreement as consistent with your best interests, except that no court approval is required if your reaffirmation agreement is for a consumer debt secured by a mortgage, deed of trust, security deed, or other lien on your real property, like your home.

YOUR RIGHT TO RESCIND (CANCEL) YOUR REAFFIRMATION AGREEMENT

You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters a discharge order, or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. To rescind (cancel) your reaffirmation agreement, you must notify the creditor that your reaffirmation agreement is rescinded (or canceled).

Frequently Asked Questions:

What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy case. That means that if you default on your reaffirmed debt after your bankruptcy case is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of that agreement in the future under certain conditions.

Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A “lien” is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State’s law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.

NOTE: When this disclosure refers to what a creditor “may” do, it does not use the word “may” to give the creditor specific permission. The word “may” is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirming a debt or what the law requires, consult with the attorney who helped you negotiate this agreement reaffirming a debt. If you don’t have an attorney helping you, the judge will explain the effect of your reaffirming a debt when the hearing on t

PART B: REAFFIRMATION AGREEMENT.

I (we) agree to reaffirm the debts arising under the credit agreement described below.

1. Brief description of credit agreement:

2. Description of any changes to the credit agreement made as part of this reaffirmation agreement:

SIGNATURE(S):

Borrower:

Co-borrower, if also reaffirming these debts:

(Print Name)

(Print Name)

(Signature)

(Signature)

Date: _____

Date: _____

Accepted by creditor:

(Print Name)

(Signature)

Date of creditor acceptance: _____

PART C: CERTIFICATION BY DEBTOR'S ATTORNEY (IF ANY).

[Check each applicable box.]

☐ I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor; (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

☐ *[If applicable and the creditor is not a Credit Union.]* A presumption of undue hardship has been established with respect to this agreement. In my opinion, however, the debtor is able to make the required payment.

Printed Name of Debtor's Attorney: _____

Signature of Debtor's Attorney: _____

Date: _____

PART D: DEBTOR'S STATEMENT IN SUPPORT OF REAFFIRMATION AGREEMENT

[Read and complete numbered paragraphs 1 and 2, OR, if the creditor is a Credit Union and the debtor is represented by an attorney, read the unnumbered paragraph below. Sign the appropriate signature line(s) and date your signature.]

1. I believe this reaffirmation agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is \$_____, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total \$_____, leaving \$_____ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here: _____.

2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.

Signed: _____
(Debtor)

(Joint Debtor, if any)

Date: _____

— Or —

[If the creditor is a Credit Union and the debtor is represented by an attorney]

I believe this reaffirmation agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.

Signed: _____
(Debtor)

(Joint Debtor, if any)

Date: _____

PART E: MOTION FOR COURT APPROVAL

(To be completed only if the debtor is not represented by an attorney.)

MOTION FOR COURT APPROVAL OF REAFFIRMATION AGREEMENT

I (we), the debtor(s), affirm the following to be true and correct:

I am not represented by an attorney in connection with this reaffirmation agreement.

I believe this reaffirmation agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement, and because (provide any additional relevant reasons the court should consider):

Therefore, I ask the court for an order approving this reaffirmation agreement.

Signed: _____

(Debtor)

(Joint Debtor, if any)

Date: _____

United States Bankruptcy Court

_____ District of _____

In re _____,
Debtor

Case No. _____
Chapter _____

ORDER APPROVING REAFFIRMATION AGREEMENT

The debtor(s) _____ have filed a motion for approval of the
(Name(s) of debtor(s))

reaffirmation agreement dated _____ made between the debtor(s) and
(Date of agreement)

_____. The court held the hearing required by 11 U.S.C. § 524(d)
(Name of creditor)

on notice to the debtor(s) and the creditor on _____.
(Date)

COURT ORDER: The court grants the debtor's motion and
approves the reaffirmation agreement
described above.

BY THE COURT

Date: _____

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

Case No.: _____

Chapter: _____

Hearing date: _____

Judge: _____

**ORDER REGARDING CERTIFICATION OF EXIGENT CIRCUMSTANCES
REGARDING TEMPORARY EXEMPTION FROM CREDIT COUNSELING**

The relief set forth on the following pages numbered two (2) through three (3) is hereby
ORDERED.

.....

(Page 2)

Debtor:

Case No:

Caption of Order: Order Regarding Certification of Exigent Circumstances Regarding
Temporary Exemption from Credit Counseling.

The following order is hereby entered:

This matter having been presented to the court under 11 U.S.C. § 109(h)(3)(A) and the court having determined that:

[] 1. The certification is **satisfactory** to the court under 11 U.S.C. § 109(h)(3)(A)(iii). Pursuant to 11 U.S.C. § 109(h)(3)(B), the debtor shall be temporarily exempt from the requirements of 11 U.S.C. § 109(h)(1) until the earlier of the date on which the debtor meets the requirements of 11 U.S.C. § 109(h)(1) or 30 days after the date the petition was filed.

[] 2. The certification is **not satisfactory** to the court under 11 U.S.C. § 109 (h)(3)(A) (iii) because:

[] the alleged exigent circumstances do not merit a waiver of the requirements of
11 U.S.C. § 109(h)(1)

OR

[] there was a failure to prove that the debtor requested credit counseling services from an approved non-profit budget and credit counseling agency, but was unable to obtain the services during the five day period beginning on the date on which the debtor made that request.

The Clerk shall issue a 15-day notice of deficiency for failure to file a certificate from the approved nonprofit budget and credit counseling agency pursuant to 11 U.S.C. § 521(b).

(Page 3)

Debtor:

Case No:

Caption of Order: Order Regarding Certification of Exigent Circumstances Regarding
Temporary Exemption from Credit Counseling.

[] 3. The court shall **schedule a hearing on** _____ to determine whether the certification is satisfactory to the court under 11 U.S.C. § 109(h)(3)(A)(iii) and merits a temporary exemption from the requirements of 11 U.S.C. § 109(h)(1) as set forth at paragraph 1 above.



FILING CHECK LIST

- ☐ Pro Bono Representation Cover Sheet
- ☐ Voluntary Petition
- ☐ Application to Pay in Installments or Waive Filing Fees (if applicable)
- ☐ Summary of Schedules
- ☐ Statistical Summary of Certain Liabilities
- ☐ Schedule A - Real Property
- ☐ Schedule B - Personal Property
- ☐ Schedule C - Property Claimed as Exempt by Debtor
- ☐ Schedule D - Creditors Holding Secured Claims
- ☐ Schedule E - Creditors Holding Unsecured Priority Claims
- ☐ Schedule F - Creditors Holding Unsecured Non-Priority Claims
- ☐ Schedule G - Executory Contracts and Unexpired Leases
- ☐ Schedule H - Co-Debtors
- ☐ Schedule I - Current Income of Individual Debtor(s)
- ☐ Schedule J - Current Expenses of Individual Debtor(s)
- ☐ Unsworn Declaration Concerning Debtor's Schedules
- ☐ Statement of Financial Affairs
- ☐ Individual Statement of Intention
- ☐ Attorney's Statement of Compensation
- ☐ Current Monthly Income and Means Test Calculation
- ☐ List of Creditors and Creditor Matrix
- ☐ Notice of Other Available Chapters
- ☐ Filing Fee (if applicable)
- ☐ Completion of Credit Counseling Certification

RUTGERS PROBONO BANKRUPTCY EVALUATION

ATTORNEYS

Each attorney is asked to fill out this form for each client interview they are involved in with students from the Rutgers-Camden Bankruptcy Pro Bono Project. All of the information provided will be kept CONFIDENTIAL. The only people who will have access to these forms are the Supervising Attorney, the Pro Bono Coordinator and the Assistant Dean for Pro Bono and Public Interest Programs. Please feel free to add additional comments.

Your Name: _____
Client's Name: _____
Date of Interview: _____
Students Participating: _____

1. Who primarily conducted the interview? If more than one person, who did what? Did you have the opportunity to meet with the students prior to the actual client interview? Now that the initial interview has been completed, what are the next steps in your case and who will be doing what?

2. What was your impression of the students that you worked with? If you had the option to work with these students again, would you want to, why or why not?

3. What do you like about the program? What do you dislike about the program? Assuming that you had to change this program, what changes would you implement?

4. Are there any questions to which you would like a personal response from either the Pro Bono Coordinator, the Supervising Attorney, or members of the Steering Committee? If so, what is the question? All responses will be made in writing, unless you specify otherwise.
